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**Unveiling the adverse impact of
land grabbing:
a contemporary phenomenon**

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*To my parents,
for always being by my side and teaching me to be curious about the world through our
travels together. This accomplishment would not have been possible without you.*

*To Sofia,
for your unwavering support, laughter, and companionship throughout this journey together.*

*To Leonardo,
for always making me laugh and for easing my anxiety about the university journey, often without
even knowing it.*

*To all the people out there fighting for their rights and freedom against this world,
you are an inspiration.*

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Introduction

The phenomenon of land grabbing, defined as the appropriation of lands considered underutilized without the consent of the communities that inhabit or use them for sustenance, has been a topic of analysis over the past decade, coinciding with the global food crisis of 2008. It is a very important topic because it involves various actors, including private and national companies, private and public funds, governments, and international and local institutions. The interconnectedness of these different entities makes it a complex subject to understand and analyze, especially since there are different schools of thought on the matter. This is why this thesis aims to explain clearly and comprehensively a phenomenon that is so significant yet does not receive adequate attention from the media, which often cover it superficially.

Numerous experts have conducted research on land grabbing, and the objective of this thesis is to compile a text that presents as many perspectives, studies, and cases as possible to provide a broader view of the topic.

The thesis is divided into three chapters, each addressing the issue from different perspectives. The first chapter focuses on the general characteristics of the phenomenon, its historical development, current causes, and the issues of sovereignty and territoriality related to it. The goal is to introduce the reader to land grabbing, emphasizing its importance and how it has developed alongside capitalism, becoming an increasingly relevant phenomenon that influences numerous economic and financial activities in the involved countries. The section on sovereignty and territoriality will analyze the *modus operandi* that, in some way, displaces the state's territorial authority when an investor acquires land within its territory. This analysis serves as a prelude to understanding the roles of host states and investors later on.

The second chapter, the most substantial one, analyzes numerous cases of land acquisitions that can be defined as acts of land grabbing by investors.

Initially, it will explain why the African continent is the primary target for this type of investment. Subsequently, cases of land grabbing by Chinese and Indian companies will be examined, with particular focus on the Chinese *modus operandi*. Next, a case from an Asian country, namely Laos, will be discussed, analyzing land grabbing cases by Chinese companies and the China-Lao Railway case.

Following this, the role of the European Union in the phenomenon of land grabbing will be studied, observing how European legislation allows companies to carry out these controversial land acquisitions. This is important for understanding the significant role of the institution in

these practices and whether it has tried to limit them. Examples of land grabbing by major European companies, such as Benetton, will be explored in detail.

The United States, considered one of the major land grabbers worldwide, will also be discussed. The Chevron case will be analyzed in detail to understand one of the most famous historical land grabbing cases, which remains divisive to this day. Other land grabbing cases by U.S. companies, especially the case of Harvard University, will also be explained to conclude the second chapter.

The third chapter addresses the role of institutions, global governance, the role of states, and proposed policies to prevent land grabbing.

Initially, the role of the World Bank, one of the institutions that has most strongly supported large-scale land acquisitions (a term used instead of land grabbing), along with the IMF, will be examined in depth. To conduct a more specific analysis, the World Bank's 2009 report on land grabbing will be analyzed to observe if its statements align with reality. Subsequently, the theme of the new global governance that is currently changing international relations and influencing the choices of nations will be addressed, redefining the role of states.

The final section will cover the proposals for policies, codes of conduct, and guidelines to address the issue of land grabbing and ensure the protection of local populations at risk from these land acquisitions. Action Aid's proposal, being well-structured, will be analyzed to better understand whether it could be useful or not.

In summary, this thesis aims to reveal the various facets of land grabbing through numerous analyzed cases and the contrasting opinions of institutions and NGOs, all to clarify the phenomenon and to raise awareness about it.

Chapter I - Land grabbing: explaining the phenomenon

1.1 What is land grabbing and why it is an important subject

The term land grabbing was coined in the early 2000s, a time when the media and institutions began to analyze and discuss issues related to it. A land grabber is an actor (usually foreign) who appropriates large tracts of other people's land by using it for purposes such as agriculture, mining, or infrastructure, often inflicting economic and social repercussions to local people deprived of their land.

Land grabs can be carried out by multinational corporations, sovereign wealth funds, private companies, or by governments, both foreign and domestic. These actions snatch land away from the families who used to live there, taking away the means by which they used to get food, as well as from their community, their culture. Often these individuals are sent away, forced to emigrate, and change their profession¹. Describing the phenomenon in a far from positive way, one might think that international institutions are fighting against the phenomenon of land grabbing. It is interesting to note that the IMF, WTO and WB have often come out in favour of these land acquisitions.

Since 2006 there has been a rapid growth of land appropriation by foreign actors. In fact, over 200 million hectares have been sold from 2006 to 2010. This exponential trend determined a different approach to the phenomenon than in the past.

The main reason, which many academics propose, is that there was a rapid development in many parts of the world and an increasing demand of resources from rich countries². In addition, the global economy, financial markets, and state-to-state ties involving trade were all undergoing constant change. It is important to remember that alliances between states can benefit or hurt specific economic practices, and that geopolitical tensions always have a significant impact on the financial and economic spheres. Government agreements with other nations have the potential to alter the circumstances of countries that are exposed to financial and economic intervention by foreign nations. The global food crisis of those years also played an essential role. Initially the opinion was that land grabbing was caused by the increase in commodity prices, especially those that were traded internationally in large quantities, such as

¹Magdoff, Fred. "Twenty-First-Century Land Grabs: Accumulation by Agricultural Dispossession" *Monthly Review*, 1 Nov. 2013, pp. 1.

²Sassen, Saskia. "Land Grabs Today: Feeding the Disassembling of National Territory." *Globalizations*, vol. 10, no. 1, Feb. 2013, pp. 25-46.

maize, wheat, rice and soy.³ Food-insecure nations began to worry about how much food they would have to buy as a result of the global food crisis. This brought countries rich in capital but with scarce resources, such as China and the Gulf states, to implement land grabbing in different geographical areas, such as Latin America, Africa and Southeast Asia.⁴

The food crisis made rich countries even more aware that they could use their economic and political power to appropriate land for themselves.

These actions did not go unnoticed, indeed, many academics took notice of these behaviours and started to study this phenomenon. A first wave of articles on the topic was released between 2008 and 2012, and it sought to determine the reasons behind land grabbing as well as how and by whom it was carried out. Several NGOs and critical scholars pointed the finger at the fact that these actions—which were mostly carried out by foreign investors—went against the interests of the local population, weakened the idea of sovereignty, undermine food security and drive deforestation of multiple areas exclusively for their economic interests. Less critical voices, frequently from international organizations, contended that land acquisition might aid less developed nations financially and economically.⁵

During the global land grab debate, academic researchers played a major role in analysing this phenomenon. Important meetings were held on the subject, including the Land Deal Politics Initiative (LDPI), held at the University of Sussex in 2011 and at Cornell University in 2012, and in particular the Journal of Peasant Studies (JPS) was very important, and still remains a landmark.⁶

After the initial wave of articles that criticized certain institutions for their pro-land-grabbing position, a second wave of publications examined the subject in greater detail between 2012 and 2014.⁷ It was noted that the phenomenon had been overly generalized because the goals of land grabbing differed depending on the goals of people who carried it out. Thus, "green grabbing," "water grabbing," the conversion of land for biomass and biofuels, and indigenous tribes that were forcibly removed from their homes—often with no prospect of return—were also highlighted.⁸ As a result, it became reasonable to believe that the world food crisis could

³ Edelman, Marc; Oya, Carlos; M Borrás JR, Saturnino. "Global Land Grabs: Historical Processes, Theoretical and Methodological Implications and Current Trajectories." *Third World Quarterly*, vol. 34, no. 9, Oct. 2013, pp. 1518.

⁴ Oliveira, Gustavo de L. T.; M. McKay, Ben; Liu, Juan. "Beyond Land Grabs: New Insights on Land Struggles and Global Agrarian Change." *Globalizations*, vol. 18, no. 3, 20 Nov. 2020, pp. 321.

⁵ *Ibidem*

⁶ *Ivi*, pg 322.

⁷ *Ibidem*

⁸ Edelman, Marc; Oya, Carlos; M Borrás JR, Saturnino. Above on note 3, pp.1518.

not have started the entire thing. Analyzing the relationships between the northern and southern states, political influences, agreements between the various governments, and the, often crucial, role performed by the major international institutions was significant.

Later, a third wave of research emerged that went far beyond simple theoretical analysis. The examination of the political responses 'from below,' the local legal responses to climate change, and the major contribution of wealthy nations' capital outflows to international land purchases, including risky mining operations, were all significant.⁹

In the various analyses that have been carried out, there is almost always talk of China and the Gulf countries which carry out land grabbing, especially in Africa. Actually, this phenomenon is not limited to the African continent; it is also found in other regions of the world, including Southeast Asia, Latin America, and post-Soviet Eurasia, as well as major nations like China, Russia and India.¹⁰

The actors involved are not only foreigners, these have only more attention from the media, the internal actors have a fundamental role, since they can also be those who propose to the foreign investor to buy the lands of their country. States play a crucial role in all of this, frequently prioritizing economic interests over social ones. It's also critical to note that locals are occasionally hired by farmers or form alliances with new landowners, so they are not always forced off their property. It is also true that not everyone objects to this interference; some people, perhaps in hopes of a better future in the city, sell their possessions and relocate with no sadness.¹¹

After providing a broad study of land grabbing, we understand why it is a crucial topic and that deserves in-depth examination. In fact, it allows us to observe, in addition to how it is implemented and by whom, how international institutions have fostered the development of actions to implement these land acquisitions, and the role of national states in this context.

1.2 The rise of land grabbing

1.2.1 Development of capitalism and land grabbing

⁹ Oliveira, Gustavo de L. T.; M. McKay, Ben; Liu, Juan. Above on note 4, pp. 322.

¹⁰ Edelman, Marc; Oya, Carlos; M Borrás JR, Saturnino. "Global Land Grabs: Historical Processes, Theoretical and Methodological Implications and Current Trajectories.", op.cit., pp. 1519.

¹¹ *ibidem*

Land grabbing was not invented in the 21st century but stems from a series of historical and economic processes that allowed it to develop. Due to this, it is necessary that we look back at a few examples from history in order to gain a deeper understanding of the reasons why this event is still applied now. This analysis is based on the observation of the evolution of capitalism, specifically examining the methods by which nations acquired the territories of other nations, resulting in the mass migration of native inhabitants.¹² In fact, the main force behind capitalism's growth has been the commoditization of land, which has made it possible for strong nations like England to expand internationally.

The continuous expropriation of people from their lands over the last three centuries has led various world economies to accumulate capital resulting, in fact, from the expropriation of the land of others. This has made it possible for modern capitalism as we know it to grow more and more intense. The nations that have implemented these practices in order to increase their economic returns, have not always and only utilized the "force"—their political influence that could create agreements between states that did not exist before — creating ad hoc laws. Sometimes they simply deceived the people involved, promising a bright future that would never happen. The problem, moreover, was not only for those who lost land but also for those who found themselves having to compete with the new "neighbours" who could afford lower costs and higher rents, thus destroying any other kind of competition.¹³

The following examples will be helpful to understand how land grabbing evolved as a tool through capitalism in previous centuries.

British agriculture revolution and the rise of capitalism

The development of capitalism was made possible primarily with changes from a social point of view compared to feudalism, such as the maintenance of money instead of using it exclusively for consumption and, above all, the creation of a social class that had to sell their work to stay alive¹⁴ (earning as little as possible and being exploited to their full potential). The English agricultural revolution was the starting point for these changes, which subsequently led to the industrial revolution. Between 1700 and 1870 in Great Britain, total agricultural productivity increased 2.7 times per worker. Thus, as a result of the Agricultural Revolution, British agriculture became the most productive in Europe, and as famines decreased, grain

¹² Magdoff, Fred. Above note 1

¹³ *Ibid*

¹⁴ *Ibid*

production increased and was exported. Thanks to a constant growth in food supply, the English and Welsh population rose substantially, from 5.5 million in 1700 to nearly 9 million in 1801.¹⁵ This pace did not abate and at the beginning of the 20th century the country boasted a stable excess of production, which it exported. This was due to multiple improvements implemented in agriculture which allowed a rapid increase in food production.

Consequently, industrial capitalism was navigating the transition from high agricultural production to the new understanding of the land as a mean of subsistence for landowners.

The idea of private property and customary rights, however, was still an unresolved issue. Because they interfered with others who wished to use the land to execute capitalist growth, the latter came under increasing pressure.

Several adjustments were required, including the transfer of land from common to private ownership, the abolition of land use rights, and the challenge of the rights of small proprietors who had taken possession of the land but lacked a complete legal title. All of this would be altered to reflect new ideas regarding the concept of property, which proponents of capitalism contend should be both private and exclusive.¹⁶

In this way, it was going to modify a scheme that was no longer useful to this new idea of economic development. The villages lost their authority over the land, the laws changed, and the dispossessed went to seek new life elsewhere, in small rural factories and later in cities, but also outside the country, emigrating to North America, Australia and Africa. A few ended up homeless and impoverished for life. All of this is undoubtedly connected to the massive exodus of Europeans in search of a better future that took place at the end of the 1800s.¹⁷

Dispossession during the 19th century through cotton

The cotton market grew exponentially during the mid-nineteenth century. Previously, it came from India and Egypt, but later the U.S. Southeast was one of the most cotton producing areas. In order to gain more and more land in the European colonies for cotton plantations, native inhabitants were expropriated and placed in "reserves" or "tribal areas". In this way all those

¹⁵ History of Western Civilization II, "Effects of the Agricultural Revolution ." courses.lumenlearning.com/suny-hccc-worldhistory2/chapter/effects-of-the-agricultural-revolution/#:~:text=It%20is%20estimated%20that%20total.

¹⁶Magdoff, Fred. Above note 1, pp. 2.

¹⁷*Ibid*

lands became available to the settlers who transformed them into private property or had them annexed as state lands.¹⁸

Walter Johnson describes the U.S. South and cotton trial as follows:

“By the end of the 1830s, the Seminole, the Creek, the Chickasaw, the Choctaw and the Cherokee had all been “removed” to lands west of the Mississippi. Their expropriated land provided the foundation of the leading sector of the global economy in the first half of the nineteenth century. In the 1830s, hundreds of millions of acres of conquered land were surveyed and put up for sale by the United States. This vast privatization of the public domain touched off one of the greatest economic booms in the history of the world up to that time. Investment capital from Britain, the Continent and the Northern states poured into the land market.”¹⁹

Cotton was thus produced by African slaves taken from their lands in lands that had been taken from the indigenous tribes. This process led to the development of many European cities, especially in England, thanks to the huge quantities of cotton coming from North America and then used in textile mills. The fact that people who had previously been farmers but had been expropriated could now be hired as employees for extremely low salaries helped the firms generate a lot of income, because they needed a lot of labor due to the rise in productivity. All of this was in the interest of a more and more capitalist economy whose primary goal was profit.²⁰

Johnson summarized the events as follows: "*Thus were Indian land, African-American labor, Atlantic finance and British industry synthesized into racial domination, profit and economic development on a national and a global scale.*"²¹

Dispossession by force in Africa

The European settlers on the African continent made every effort to acquire as much territory as they could in order to establish political and economic dominance over the affected regions. As a result, they were able to grow, moving a portion of their people to the new colonies and making ever-greater profits.

¹⁸ *Ibid*

¹⁹ Johnson, Walter. “King Cotton’s Long Shadow.” *The New York Times : The Opinion Pages*, 30 Mar. 2013, archive.nytimes.com/opinionator.blogs.nytimes.com/2013/03/30/king-cottons-long-shadow/. Accessed 14 Mar. 2024.

²⁰ Magdoff, Fred. Above note 1, pp. 2.

²¹ Johnson, Walter. Above on note 19.

Land was regularly expropriated in the nations with the highest concentration of agricultural colonists, particularly South Africa, Namibia (South-West Africa), Zimbabwe (South Rhodesia), and Zambia (North Rhodesia).²²

Europeans ensured that they owned the majority of the agricultural land, such as South African land, 90% controlled by Europeans in the 1930s, and Zimbabwean land that had been taken over from the late 1800s until the mid-1900s, so once the country gained independence, a third of the territories were in the hands of the colonizers. In 1990, 90% of Namibia's territory was ruled by Europeans.²³

Land grabs in the colonies persisted throughout the 20th century until African nations gained their independence, however several European nations persisted in exerting significant political and economic influence in order to maintain their advantages thanks to the "old" colonies.

Some well-known corporations have taken part in this phenomenon, such as Del Monte for Kenyan fruit production, which was accused in June 2023 of using violence against local workers at a pineapple farm outside Nairobi.²⁴

1.2.2 Neoliberal trade agreements of XX century and land grabbing

In the 21st century, the most powerful countries had every interest in making the countries of the South more fragile and manipulable, but there is no longer the "classic" colonialism, they had to find other ways to economically exploit the countries rich in raw materials and with large cultivable lands. As a result, some nations began practicing what is now known as neocolonialism—indirect control of one state over another—with the intention of influencing political and economic choices in order to gain an advantage. States weren't the only entities implementing these influences; the World Bank and the IMF were among them.

Often the proposed agreements on the surface seemed to be useful to both parties, such as the agreement signed by Mexico to join the NAFTA (North American Free Trade Agreement). Other nations, like Haiti and Jamaica, were compelled to agree to the "structural adjustments" that the World Bank and IMF demanded.²⁵

²² Magdoff, Fred. Above note 1, pp. 3.

²³ *Ibid*

²⁴ Dugan, Emily, et al. "Guards at Del Monte Pineapple Farm in Kenya Accused of Killings." *The Guardian*, 21 June 2023, www.theguardian.com/world/2023/jun/21/guards-at-del-monte-pineapple-farm-accused-of-killings-in-kenya.

²⁵ Magdoff, Fred. Above note 1, pp. 3.

A structural adjustment is a series of economic reforms that a country must implement in order to get a loan from the International Monetary Fund and/or the World Bank. Structural adjustments are frequently a collection of economic policies that include cuts to government spending and free trade.²⁶

The IMF and the World Bank's tactics have been heavily criticised throughout the years since the criteria required to access the loans were extremely rigorous, causing significant damage to the countries that adopted them.

Some conditions set by the IMF and the World Bank are:

- Devaluing their currencies to close balance-of-payments imbalances.
- Reducing public sector employment, subsidies, and other spending to alleviate budget deficits.
- Privatizing state-owned businesses and deregulating government-controlled sectors.
- Relaxing regulations to encourage foreign investment.
- Closing tax loopholes and increasing domestic tax revenue.²⁷

All of these agreements resulted in decreased tariffs on imports, which obviously helped big international corporations rather than regional farmers. Farmers in Haiti, Jamaica, and Mexico gave up farming because they could no longer compete with the lower prices of imported goods. As a result, Jamaican agriculture was completely destroyed and replaced by economies in other countries.²⁸

Another frequently mentioned instance is the so-called "banana republic," which is mostly connected to Guatemala. The United Fruit Company, an American corporation, continuously exerted influence over the government, resulting in the seizure of several lands to create a monopoly on the production of bananas, which caused a severe problem for the local farmers. There have been several instances where the adoption of the IMF and World Bank's structural adjustment schemes gave the powerful economies an advantage at the expense of the local populace, however, occasionally there have been awakenings like that of Bill Clinton. In 1994, he coerced Haiti into accepting the initiatives in return for Jan-Bertrand Aristide's reinstatement as president following his ouster.²⁹ Haiti received in 1996 a three-year loan of SDR 91.1 million

²⁶ Halton, Clay. "Structural Adjustment Definition." Investopedia, 25 Sept. 2021, www.investopedia.com/terms/s/structural-adjustment.asp#:~:text=A%20structural%20adjustment%20is%20a.

Ibid

²⁸ Magdoff, Fred. Above note 1, pp.4.

²⁹ *Ibid*

²⁷

(about US\$131 million) from the enhanced structural adjustment facility (ESAF) 1 to support the government's economic restructuring agenda during 1996-1999.³⁰

In March 2010, Clinton, who was now a UN representative helping Haiti recover from the earthquake, said: "*It may have been good for some of my farmers in Arkansas, but it has not worked. It was a mistake I had to live everyday with the consequences of the loss of capacity to produce a rice crop in Haiti to feed those people because of what I did; nobody else.*"³¹

1.2.3 Drivers of today's land grabbing

The phenomenon of 'global land grab' that is currently occurring has had several causes that have allowed its development, such as:

1. New international trade agreements (WTO, NAFTA, etc.) favoring global capitalism;
2. The start of foreign direct investment in the countries of the South;
3. Growth of globalized financialization and speculation headquartered in the rich countries;³²
4. As a result of increased droughts and floods, the regions under attack are unable to produce the necessary food, so they have to resort to imports, and rising food prices put them in difficulty. The food crisis of 2008 brought many negative consequences for food importing countries;
5. The desire of the US and Europe to have 'green' fuels, stimulating the production of the corn market (for ethanol) and soybeans and palm oil (for biodiesel);
6. Depletion of the groundwater reserves of important agricultural regions, as a result of pumping more water than is feasible given the amount of rainfall.³³

These elements, along with widespread levels of corruption and a lack of protection for peasants' land rights, have caused an increasing amount of foreign money to seize control of ever-larger tracts of land, particularly in South America, Southeast Asia, and Africa. Together with the expropriation of peasants, land is seized either through long-term leasing agreements or the actual final purchase. Thus, it can be claimed that decisions made in the name of free

³⁰ IMF, "Press Release: IMF Approves Three-Year ESAF Loan for Haiti." 18 Oct. 1996, www.imf.org/en/News/Articles/2015/09/14/01/49/pr9653. Accessed 15 Mar. 2024.

³¹ Center for Economic and Policy Research, "Bill Clinton Apologizes for Past Rice Policies." 22 Mar. 2010, www.cepr.net/bill-clinton-apologizes-for-past-rice-policies/. Accessed 15 Mar. 2024.

³² Sassen, Saskia. Above note 2, pp. 28.

³³ *Ibid*

market principles and globalization have benefited a select few countries, preventing the global South from developing economically as it should.

The phenomenon of land grabbing has been applied many times in the past, in the phase of imperialism, and the difference with the current period is that now the world is formed by states recognized as sovereign, even if often their power is relative. That is why FDI or land purchases are used to control a country, because in contrast to earlier times, force is not an option in the modern world ³⁴(though this does not imply that the expropriated peasants do so willingly and without pressure). This is associated with the previously discussed notion of "neocolonialism." When discussing land grabbing in numerical terms, it is necessary to have a clear understanding of what exactly is meant by land acquisition. The Land Matrix project is extremely beneficial since it publicly displays all land acquisitions made by which government or organization and for what purpose. For them, a 'land acquisition' has the following characteristics:

- "They entail a transfer of rights to use, control, or own land through sale, lease, or concession. "
- "They imply a conversion from land used by smallholders, or for important environmental functions, to large-scale commercial use."
- "They are 200 hectares or larger and were not concluded before the year 2000 when the FAO food price index was lowest. "³⁵

Some graphs can be useful in demonstrating which sector land acquisitions are made, and then in the agricultural field, for which purpose they are specifically carried out.

³⁴ *Ibid*, pp. 29.

³⁵ *Ibid*, pp.30.

INTENTION OF INVESTMENT

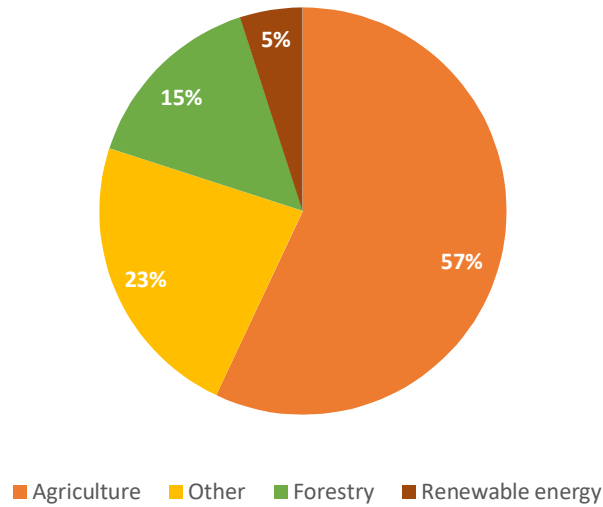


Figure 1: Intention of investment

Source: <https://landmatrix.org/charts/dynamics-overview/>

INVESTMENT IN AGRICULTURE

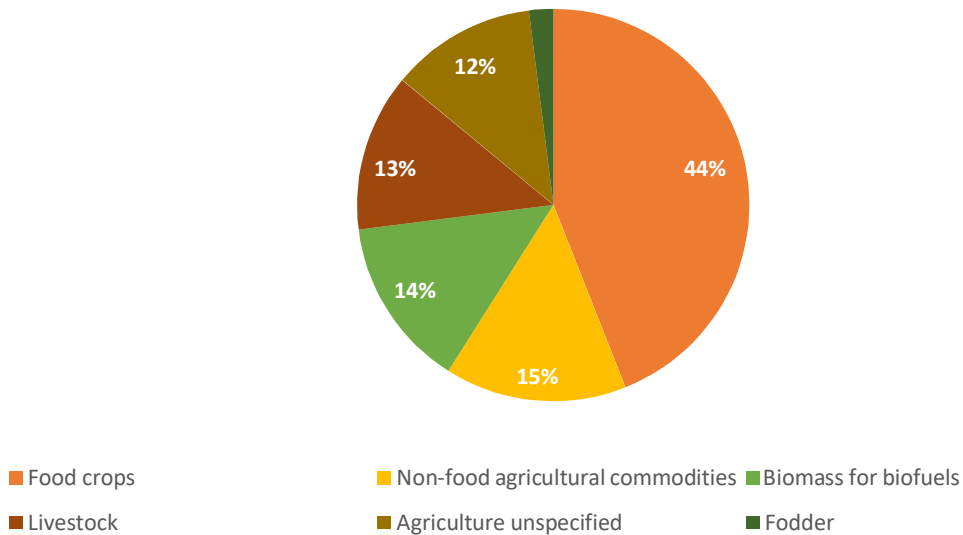


Figure 2: Investment in agriculture

Source: <https://landmatrix.org/charts/dynamics-overview/>

All of these 'projects' are made possible through coordination between domestic governments and foreign agents. It is commonly known that local governments frequently advocate land grabbing actions in their own countries, striking deals with global multinational corporations in

order to profit a few of them. Furthermore, in many nations, corruption is the driving force behind many activities that disadvantage local farmers in favor of international investors.

After discussing the common causes of the increase in land grabbing since 2006, it is crucial to examine in greater detail the role of international institutions in this exponential growth, as their participation has occurred for several decades. Remember that the current land grab is taking place in a world where each state has its own legal sovereignty and international agreements are becoming more common.

We must thus revert to the restructuring programs advocated by the IMF and the World Bank during the 1980s and 1990s and to the direct and indirect expulsion of many people from their lands as a result of these procedures applied to the Global South. In those years, 24 countries accepted the requirements of the IMF and the World Bank³⁶, with Argentina, Mexico, Brazil, and Indonesia being among the most well-known, considering the economic difficulties they have faced.

It should be noted that these programs were more than just banking transactions; they were a true governing system that bound states to the will of national and international actors, many of whom were powerful governments and corporations. As a result of the implementation of this regime, many Global South nation-states have been dismantled, leaving them with increasingly ineffective state sovereignty within their own country.

Foreign countries and companies generally sought a lack of state power since corrupt regimes were easier to deal with. However, the purchase of land cannot be attributed solely to the corruption and weakness of the "host" states.³⁷

Capitalism has advanced rapidly as a result of the IMF and World Bank restructuring programs, which have provided foreign buyers with easy access to land and, in addition, denationalized societies, water, and other public utilities. This has had disastrous social and economic consequences for local populations in the countries covered by these initiatives, which have not received adequate attention. Debt has been used in two ways to benefit international and foreign actors:

- The debt regime as a factor in weakening and impoverishing national governments in many Global South countries. As a result, this was an element that significantly increased internal corruption in governments while neglecting population welfare,

³⁶ Dziobek, Claudia , et al. "Lessons from Systemic Bank Restructuring." [Www.imf.org](http://www.imf.org), May 1998, www.imf.org/external/pubs/ft/issues/issues14/index.htm. Accessed 15 Mar. 2024.

³⁷ Sassen, Saskia. Above note 2, pp. 30.

resulting in an increasingly catastrophic situation for resource-rich nations.³⁸ It is also worth noting the enormous influence of certain states in ensuring that the elected government of a South country was willing to accept any economic interference in order to exert complete power over geographically distant states, relying on the government's ability to set aside citizens' interests for personal profit.

- Debt regime as an instrument of legitimate and authoritarian entry into a sovereign state by the IMF, the World Bank and other economic actors. Countries exposed to restructuring schemes were forced to prioritize foreign debt repayment over national priorities such as health and education, impoverishing the populace and the state while profiting international organizations and foreign enterprises.³⁹

To summarize, the IMF and World Bank's suggested system weakened and often corrupted countries in the Global South, making it much simpler to purchase land in Sub-Saharan Africa, Latin America, and Asia. Control over these countries became easier as the population became impoverished and without political representation to enforce their rights, which were ignored by national governments.

It's difficult to comprehend how these policies, although being heavily condemned from the start, were nonetheless implemented in the name of economic stabilization and crisis aid.

Many nations that have received IMF and World Bank assistance since the 1980s now have a higher proportion of the population living in poverty and are further away from joining the modern economy than they were decades ago. Before these interventions, many Sub-Saharan African countries had better operating economies, as well as a stronger education and health system, than the current one, which is poorer. Countries with abundant natural resources, such as Nigeria and the Congo, have also seen an increase in poverty.

This demonstrates how simple it was to harm other countries' economies without invading them, as was customary practice during the eras of imperialism and colonialism. Instead, countries were simply persuaded to join unfavorable programs.

Furthermore, during the 1990s, the proportion of Overseas Development Assistance (ODA) has significantly declined, creating space for NGOs and philanthropic organizations.⁴⁰ This was perhaps because there was no need to utilize the loans to control the countries of the global south; they had already collapsed, and the path was clean for the international land grabbers.

³⁸ *Ibid*

³⁹ *Ibid*

⁴⁰ Hussain, Zahid. "The Ever Changing Landscape of Aid." *Blogs.worldbank.org*, 17 Mar. 2014, blogs.worldbank.org/endpovertyinsouthasia/ever-changing-landscape-aid.

In any case, the governments of the afflicted countries continue to play no active role in the development of their economies, not allowing an improvement in the lives of millions of people who have been affected in past decades.

Some comparative data is useful for understanding the significant burden that foreign debt imposed on the countries who used it. The IMF demands that heavily indebted poor countries (HIPC) pay 20% to 25% of their export profits to repay foreign debt. This already high proportion is much worse once one realizes that in 1953, the Allies erased 80% of Germany's war debt while demanding only 3% to 5% of export revenues. Then, in the 1990s, Central European countries were asked to pay 8%.⁴¹

As a result, today's poor countries carry far more weight than in the past, and it's no surprise that instead of developing economically, they're deteriorating, particularly in the social sector. This is because it is evident that, in the case of Germany and Central Europe, the goal was to integrate them into the new capitalist world economy, which they effectively helped to do.

In more recent cases, in the 1980s and 1990s, for the countries of the Global South, the goal was to create a regime in which these countries had to constantly rely on the rich countries to survive, by forcibly accepting restructuring programs and foreign loans at exorbitant rates. This has certainly affected the countries' economic progress, compromising education, health, and infrastructure in order to meet the debt payment obligations stipulated in the agreements.

After a closer look at the IMF and World Bank restructuring programs, it is clear how they are closely related to the phenomena of land grabbing.

When poor countries have a state that loses effective sovereignty, a deteriorating economic situation, and an impoverished population, it becomes easy and convenient for foreign countries and multinational corporations to acquire their land. This also causes displacement of local populations, who are not protected by their state. Here comes again the concept of neocolonialism, because looking at the facts, it is about wealthy countries that, in some manner, have influence over impoverished countries and are just concerned with profit.

This paragraph's introduction includes a list of the numerous reasons that are frequently linked to land grabbing. It is common knowledge that the 2008 global food crisis is frequently cited as the primary cause. This is likely done to provide a "justification" for nations that appropriate land from other people, citing a lack of space for food production as the reason for needing to search for vacant land in other states.

⁴¹ Sassen, Saskia. Above note, pp.42.

It has become clear from a more thorough analysis of the World Bank's and IMF's roles that there are always a variety of contributing factors, and that some economic actors' self-centered behavior frequently plays a major role.

Speculation is a component that is frequently overlooked but plays a significant part in understanding the phenomenon of land grabbing in the modern world. Learning more about this topic will help to clarify the wide range of economic and financial interests that influence the globe today.

It is repeatedly said that the media views the world's hunger problem, water scarcity, and fuel deficit as the main causes of global grabbing. Consequently, one may believe that the lack of resources is simply a natural outcome" of overpopulation. It is evident, however, that scarcity arises in the first place as a result of uneven economic growth worldwide, which implies that some populations experience starvation while others prosper due to resource scarcity. The major media rarely provides an explanation for why this phenomenon solely affects underprivileged areas or why public and international institutions encourage these activities.⁴²

When examining this situation from a financial perspective, it is visible that land grabbing is a short-term fix for the issue of "over-accumulation." During a recession, real interest rates drop, money loses value, numerous goods go unsold, and purchasing power declines.

Since money loses value, it makes no sense to keep wealth in that form, hence turning wealth into land should be lucrative since it would hopefully increase in value. This makes the land an ideal refuge for surplus capital.

Those who invest in land during the crisis buy it at a discount, wait for the recession to end, and then resale it for a profit. This has resulted in a wave of speculative land purchases, the majority of which are made by rich individuals.

It is important to highlight that, while the majority of land grabbing occurs in Asia, Latin America, and Sub-Saharan Africa, the phenomenon also occurs in the former Soviet Union, cities, and the global north. This is because foreigners and elites attempt to speculate and profit from land investments.⁴³

Speculation is created because scarcity is required to make land, which is currently low priced, valuable and put it into the global market, as revealed by John Hantz, a financial giant, who stated: "We don't have scarcity. What I mean is, there's no reason to buy real estate in Detroit—every year, it just gets cheaper. We've gone from 2 million people to 800,000. There are over

⁴² Holt-Giménez, Eric. "Land Grabs vs. Land Sovereignty." *Food First Backgrounder*, vol. 18, 1 Dec. 2012, archive.foodfirst.org/publication/land-grabs-versus-land-sovereignty/. Accessed 20 Feb. 2024.

⁴³ *Ibid*

200,000 abandoned parcels of land and, by debatable estimates, 30,000 acres of abandoned property. We need to create scarcity, because until we get a stabilized market, there's no reason for entrepreneurs or other people to start buying. ”⁴⁴

Even if the land cannot be made rare, investors can raise its value by binding it to scarce resources like food. Food scarcity results from crises, and during crises, prices frequently increase and decrease as speculators manipulate them. Furthermore, significant crises can arise at times of abundance, like as the food crisis of 2008-2010, when global food production was on the rise but scarcity persisted, which was handled by people in power and large oligopolies to earn through rising and decreasing prices. The fact that prices tend to grow allows for more speculation, which consequently leads to an increase in land grabs.⁴⁵

The land thus serves two functions: productive and financial, and one may wonder how important the productive one is, given that, speculating on the value of the land, someone may also not produce anything and simply 'play'.

The continual increase in the prices of agricultural lands, and hence the increase in their worth, causes many investors to invest without a specific goal in mind, with the sole purpose of maximizing the benefit provided by the lands' value. Susan Payne, CEO of Emergent Asset Management, said: “In South Africa and subSaharan Africa the cost of agriland, arable, good agriland that we're buying is oneseventh of the price of similar land in Argentina, Brazil and America. That alone is an arbitrage opportunity. We could be moronic and not grow anything and we think we will make money over the next decade.”⁴⁶

This less popular perspective of the causes of land grabbing raises numerous issues about the true motivations for its implementation. Combining the 'neocolonialism' and profit factor of the richest countries at the expense of the poor with the factor of financial speculation, we get a more serious situation than we thought, demonstrating how the rich get richer and the poor get poorer and poorer, and how the causes spread through the media (land grabbing = caused by the food crisis) are only the tip of the iceberg of a broader truth known to few.

1.3 Land grabbing and land sovereignty

⁴⁴ Smith, Eleanor. “John Hantz Reimagines Detroit as Urban Farmland.” *The Atlantic*, 5 Oct. 2010, www.theatlantic.com/magazine/archive/2010/11/john-hantz/308277/. Accessed 15 Mar. 2024.

⁴⁵ Holt-Giménez, Eric. Above on note 42.

⁴⁶ Holt-Gimenez, Eric. “Detroit: A Tale of Two... Farms?” *HuffPost*, 10 July 2012, www.huffpost.com/entry/a-tale-of-two-farms_b_1660019. Accessed 15 Mar. 2024.

Regarding land grabbing, it is important to consider the major issue of sovereignty over the acquired land. Property rights and territoriality frequently overlap, making it difficult to discern the two. Land is sold as property, but jurisdiction frequently passes to the new owner, resulting in a new authority. This is not a new issue; even during colonialism, property and territoriality produced uncertainty because it was difficult to discern whether a piece of land was legally under the jurisdiction of the owner or the government.⁴⁷

According to Anthony Maurice Honoré's definition, "the property rights bundle includes the right to exclude, the right to possess, the right to use, the right to manage, the right to the income of the thing, the rights of transmissibility, etc".⁴⁸

However, territorial law is typically connected with authority over resources, ownership, and borders. It is simple to see that only by specifying these two rights might complications occur. For example, when considering boundaries, the right of exclusion of the owner is comparable to territorial legislation on border control.⁴⁹

To recapitulate, the right to property is a right of possession, but the right to territoriality is a right of governance. It is difficult to determine which is more important and has 'precedence' because there have previously been competing views.

Immanuel Kant contended that the presence of a state, or a government, was required for the existence of private property, because, while it could exist in a place without government, only the latter has the legal authority to define private property and defend it on behalf of its owners.⁵⁰

In "The Second Treatise of Government" of 1690, John Locke, who supports the precedence of private property over territorial rights, describes how private property is a natural right that allows individuals to appropriate additional lands and resources and exercise control over them.⁵¹ Locke thereby justifies private property's innate authority, freeing it from the need for a state or government.

Locke's thesis was the most influential since it provided some basis for property rights. It could have demonstrated that working the land improves it and hence confers ownership rights over it. It was also easier because demonstrating the right to territoriality, which involves states, is

⁴⁷ Jurkevics, Anna. "Land Grabbing and the Perplexities of Territorial Sovereignty." *Political Theory*, vol. 50, no. 1, 10 Apr. 2021, pp. 36, <https://doi.org/10.1177/00905917211008591>. Accessed 22 Feb. 2024.

⁴⁸ *Ibid*

⁴⁹ *Ibid*

⁵⁰ George H. Smith. "Immanuel Kant on Property Rights." *Libertarianism.org*, 6 May 2016, www.libertarianism.org/columns/immanuel-kant-property-rights.

⁵¹ Swan, Kayle, and Jacob Vargas. "Property Rights, Lockean. John Locke Proposes His Theory of Property Rights in the Second Treatise of Government." *Csus.edu*, www.csus.edu/faculty/s/kyle.swan/docs/lockean%20property%20rights-revised.pdf. Accessed 28 Feb. 2024.

more difficult, whereas property does not reflect political influence and can be viewed as an end in itself.⁵²

Historically, private companies such as the East India Company and the VOC, rather than the government, acted to create property rights through purchase and occupancy. In this approach, there was no issue with a state's sovereignty over other foreign areas because the land was purchased by private firms, even if later the governments themselves sought to use private companies as a pretext to expand national borders and establish new colonies.

However, there have been instances where states purchased regions. The United States purchased the state of Louisiana, for example, from the first French republic in 1803 for \$15 million. However, France controlled only a small portion of the land, while indigenous peoples populating the rest of it. Thus, the Americans had to purchase the right of pre-emption over indigenous territories, which permitted them to gain them through treaty or invasion while excluding other colonial powers.⁵³ Another big acquisition performed by the United States government was the Alaska Territory, 1,518,800 square kilometers, which was purchased from Russia in 1867 for 'just' 7.2 million dollars.⁵⁴

Take now the case of the East India Company to see how it progressed from simple private property to territorial domain. Over the years, with the public support of the British crown, the firm began to behave similarly to those who governed the territory. A private army was utilized for conflicts; they controlled land and water, enacted laws, and printed money. In 1858, a colonial government was formed by unifying private and public companies, creating British authority in India.⁵⁵

This demonstrates how Locke's idea, that private property can be changed into territorial property, can be correct, and how all of this can occur without the permission of the local people, who are suddenly subject to a foreign government, laws, currency, and laws.

This argument is extremely similar to what occurs now with land grabs, demonstrating that the uncertainty between private and territorial property persists today.

In fact, even though land acquisitions currently transmit only the right of ownership and not the judicial authority, at least in practice, this does not preclude the private property states from attempting to exert greater influence over the acquired land. Local governments maintain

⁵² Jurkevics, Anna. Above on note 49, pp. 36.

⁵³ "Acquisto Della Louisiana." History-Maps.com, 2 Oct. 2023, history-maps.com/it/story/History-of-the-United-States/event/Louisiana-Purchase. Accessed 28 Feb. 2024.

⁵⁴ Fonzo, Erminio. "La Russia Vendette l'Alaska Agli USA per Pochi Spiccioli. Storia Dell'espansione Americana." Geopop, 15 June 2022, www.geopop.it/la-russia-vendette-lalaska-agli-usa-per-pochi-spiccioli-storia-dellespansione-americana/. Accessed 28 Feb. 2024.

⁵⁵ Jurkevics, Anna. Above on note 49, pp. 36.

territoriality on the surface, but if they negotiate deals with international entities that grant them increasingly more authority at the expense of the local populace, actual rights may increase. In order to illustrate how the current land grabs aim to acquire territorial sovereignty over the lands they seize, we apply American politician and philosopher Alan John Simmons's definition of competences regarding territorial rights:

- a) “Rights to exercise jurisdiction (either full or partial) over those within the territory, and so to control and coerce in substantial ways even noncitizens within it”;
- b) “Rights to reasonably full control over land and resources within the territory that are not privately owned”;
- c) “Rights to tax and regulate uses of that which is privately owned within the state’s claimed territory”;
- d) “Rights to control or prohibit movement across the borders of the territory”;
- e) “Rights to limit or prohibit “dismemberment” of the state’s territories”.⁵⁶

Therefore, when a state has control over all of these activities, we can say that it has acquired territorial sovereignty.

According to Jurkevics (2021), it is possible that when one of these competences is transferred to private landowners, a portion of territorial sovereignty is also ceded. This is because, since it involves multiple competencies, it can be 'dismembered' without being fully lost, but only partially. Some land grabs do not violate territorial sovereignty, whilst others do. No one can entirely eliminate territorial sovereignty because the host government has legal authority and control over the entire territory.

Nonetheless, in some extreme cases, a de facto private jurisdiction emerges in the acquired lands, with internal rules and public authorities losing their sovereignty.

We now use Jurkevics's (2021) four criteria to determine when territorial sovereignty is lost through land sales to landowners, analyzing each one separately.

1. Contract clauses prevent the host state from regulating the investor’s use of the land.

This first condition suggests that if the private contract, which involves the sale of a territory, exceeds domestic law, a new jurisdiction is created, in which the private investor has control

⁵⁶ *Ibid*, pp.38

over the new land and has practically no limits. In this case, territorial alienation takes place. Thus, the right of the host state to exercise jurisdiction has been alienated, and this is frequently accomplished through "stabilization clauses." These are put in place to safeguard the investor's interests in the event that the political class shifts, and new laws threaten his territorial rights. These clauses stipulate that if new legislation, such as environmental regulations, compromises the investor's property, the host state is required to refund the investor. Many countries subject to these practices, however, do not have the money for compensation and so end up not taking any kind of action that goes against the interests of investors. If the state fails, through political means, to regulate the existing resources on land acquired by new investors, it also loses the power to regulate resources. This loss of authority is then immediately transferred to the investor as a right.⁵⁷

As a result, it might establish a miniature authoritarian kingdom by interfering with national laws pertaining to employment, the minimum wage, protest rights, rights acknowledging customary land ownership, health rights, and rights to food.

Take for example this stabilization clause used in Mali for the SoSuMar project, a collaboration of Mali's government, African Development Bank, Illovo Sugar (South Africa), and American agricultural entrepreneur Mima Nedelcovych's Louisiana-based consultancy firm⁵⁸, explained by Moussa Djire, in which it is stipulated that contractual agreements should have priority over national laws: "According to article 7.3, the Malian government warrants that no law can nullify the agreement or any one of its terms, or cause it or any one of its provisions to cease to have effect . . . the terms of the agreement . . . "take precedence over any new law enacted after signature of the agreement." "⁵⁹ The Malian government promoted this agro-industrial project, which involved 20,245 hectares of land for sugar cane production and ethanol export units.⁶⁰ This ad hoc intervention of private laws in transactional development agreements is becoming more common and is directly related to FDI.

Second criteria by Jurkevics (2021):

⁵⁷ Jurkevics, Anna. Above on note 49, pp.39.

⁵⁸ Kazeem, Maryam . "Why Poverty Series: Land Grabs in Mali." OkayAfrica, 14 Jan. 2013, www.okayafrica.com/why-poverty-series-land-grabs-in-mali/. Accessed 3 Dec. 2020.

⁵⁹ Jurkevics, Anna. Above on note 49, pp.39.

⁶⁰ "I Padroni Della Terra, Il Mali Nel Mirino Degli Accaparratori: Storie Di Villaggi Agricoli Emarginati." La Repubblica, 10 Oct. 2019, www.repubblica.it/solidarieta/cooperazione/2019/10/10/news/i_padroni_della_terra_il_mali-238175318/. Accessed 29 Feb. 2024.

2. Inhabitants with a moral right to occupancy dwell on the purchased land, and are not consulted or included as parties to the contract.

This second criterion demonstrates how territorial alienation reoccurs through the denial of rights to local communities. As to the previously mentioned source, The Land Matrix, around 43% of the total areas targeted by land grabbing are inhabited. Out of 89 plots of land, 57 were 'emptied' by the occupants, who lived there after the land was grabbed. Many philosophical theories claim that the land's occupants have the right to occupy it and that their forced relocation violates this right by displacing them and preventing them from claiming their original location.⁶¹

Anna Stilz holds that all connections, projects, and goals that occur inside a certain domain—what she refers to as "life plans"—are the source of this right. This includes the freedom to design one's own life in accordance with one's own goals and aspirations in addition to ownership.⁶²

Stilz contends that life plans have four characteristics that demonstrate how humans frequently base portions of their lives on where they live. The first is that places are frequently associated with specific economic practices, so if people were relocated, they would be unable to continue their economic activities. The second reason is that places are significant because they provide access to specific structures that house religious, cultural, and social organizations. Third, the location facilitates the formation of important intrapersonal relationships for the individual and, in many cases, necessitates living nearby. Fourth and finally, there are those who build their lives and projects on the physical location in which they live, making it crucial and irreplaceable. For example, consider Native American groups such as the Sioux.⁶³

She said: "If occupancy of a particular place is fundamental to a person's located life plans, and if he has established these plans without wrongdoing, then he has a moral right to occupy it. Even people who lack legal institutions—like nonstate tribes—can have such moral claims to their territory, and it is for this reason that actions like removal, ethnic cleansing, and exile are wrong."⁶⁴

⁶¹ Jurkevics, Anna. Above on note 49, pp.40.

⁶² *Ibid*

⁶³ Mancilla, Alejandra. "Occupancy Rights: Dynamic as Well as Located." *Critical Review of International Social and Political Philosophy*, vol. 23, no. 6, 21 July 2020, pp. 765–772, <https://doi.org/10.1080/13698230.2020.1797389>.

⁶⁴ Jurkevics, Anna. Above on note 49, pp.40.

If Stilz is accurate, then the newly acquired landowners would not be allowed to dismantle entire villages in order to claim and use their rights. The scale that they require to be able to launch new firms is often so great that infrastructure, housing, and workplaces become obstacles and are thus either removed or altered at the owners' discretion.⁶⁵

The residents are only victims and hardly participate in these activities; as a result, they are cheated out of a basic freedom and grant the investor unimaginable power. The ability of a stranger to purchase land, alter it as they like, and force the local communities to leave their homes transcends the traditional rights of landowners and makes the stranger practically a 'master' with almost unlimited authority.

When this 'master' possesses the power to control the lives of local inhabitants as he wishes and without their consent, it means that the state has alienated the right to control and coerce the inhabitants, which falls within the exercise of jurisdiction. When local communities are forcibly relocated, private firms claim they have no say in the matter because the government has the authority to do so. This clearly establishes the fact that relocating people necessitates a transfer of jurisdiction.⁶⁶

Oxfam has documented several instances of areas being cleared by private enterprises, including the 2011 eviction of over 20,000 Ugandans.

Analyzing this case helps to understand private companies' power and how they try to justify themselves in the face of testimonies. According to Oxfam, 22,500 people were displaced in Uganda in 2011 to make room for the British company New Forests Company's tree plantations. According to witnesses, their homes were burned down, and security agents threatened villagers with guns to leave. In its defence, the company claims that the land's residents relocated voluntarily and peacefully. The Oxfam report instead says: "Too many investments have resulted in dispossession, deception, violation of human rights, and destruction of livelihoods."⁶⁷ Following that, both the government and the company stated that the inhabitants were there illegally and had been displaced for a good cause, namely environmental protection and aid in the fight against global warming. In fact, the British company grows forests in Africa in order to sell credits to cover the carbon dioxide that its customers in other countries emit, with the intention of compensating through tree planting. This would be a noble and effective cause (as well as profitable; the corporation believes it could earn up to \$1.8 million per year),

⁶⁵ *Ibid*

⁶⁶ *Ibid*, pp.41.

⁶⁷ Kron, Josh . "In Scramble for Land, Group Says, Company Pushed Ugandans Out." The New York Times, 21 Sept. 2011, www.nytimes.com/2011/09/22/world/africa/in-scramble-for-land-oxfam-says-ugandans-were-pushed-out.html. Accessed 1 Mar. 2024.

but it loses its effectiveness if people are forced to leave their property in order for it to be accomplished. Some resident villages were established in the 1970s, others in the late 1990s, but there appeared to be no illegality, even if the company used this as an excuse to justify the evacuations. Despite charges and a temporary halt to evictions in 2009, according to residents and Oxfam, evictions continued, and many people lost their homes and land. Some of them went to work for the same New Forests Company, which, according to some employees, promised \$100 per month but only paid \$30. The company continued to defend itself, denying the accusations made by residents and Oxfam, while a Ugandan government official claimed that the residents were illegal invaders who were forced to leave the land using violence.⁶⁸

The fact that they mentioned people living unlawfully is understandable in a time when habitual possession is not recognized as legal property, and so the actual tenants lose all rights in this regard. States frequently cede the ability to control private property, leaving it up to investors to decide whether customary tenure constitutes a right.

The argument that this possession should be recognized as legal property is gaining support in state and international law, as seen by the 2007 United Nations Declaration on the Rights of Indigenous Peoples⁶⁹. However, as long as evictions are still justified by a lack of legal possession, the fact that it is recognized worldwide does not imply that it is implemented in practice. These abuses of power by private enterprises threaten individuals' autonomy and independence, as they are subject to restrictions imposed not by the government, but by a private company that has established its own jurisdiction. The locals will never achieve freedom unless they have adequate political representation and the right to choose their own lives and homes.

Third criteria by Jurkevics (2021):

3. The purchaser gains unilateral discretion over infrastructural and environmental changes of public concern.

Territorial alienation also occurs when land is inhabited and investors gain control over the territory's resources, which they can manage at their leisure. When very large tracts of land are sold, new landowners frequently gain control of infrastructure, water, roads, transportation, biodiversity management (which is threatened by monocropping), and resource extraction. It is

⁶⁸ *Ibid*

⁶⁹ Jurkevics, Anna. Above on note 49, pp.41.

up to the government to grant or deny this power, but in many cases, it is granted, causing harm to land and local residents.⁷⁰

One example is Saudi Star Development Company's 540-square-mile estate in Ethiopia's Gambella area. In this case, the local government has given the company control over the water, allowing the Saudi company to manage irrigation channels diverted from the Alwero River in order to divert them to rice crops. However, indigenous communities, such as the Anuak people, live on these lands, and removing water from them would be difficult because the river is a significant source of livelihood for them.⁷¹ The Human Rights Report reported in 2012 that populations were forced to flee their homes as a result of the Saudi company's project.⁷²

The Oakland Institute (OI) also revealed that the lease agreements between the Ethiopian government and Saudi Star were signed without the knowledge of the local communities involved and that these contracts are not accessible to competent government agencies with regulatory authority. It was also discovered that the government granted the company discretionary authority over water and resources in Gambella territory. Investors argue that what they want to do with the land is entirely up to them, with no involvement from the state or other government agencies.⁷³

In this way, the company severely limits the sovereignty of the state in the lands it acquires, transforming them into a small private kingdom with rules established by the Saudi Star itself. When the state 'pulls itself out' and cedes territorial sovereignty to a foreign company, it loses power and loses interest in the local communities affected. It does not take a corrupt state to prioritize foreign interests over national interests, but these examples demonstrate how easy it is, particularly in resource-rich but impoverished countries, to overturn national laws and promote their own interests as a foreign company.

Forth criteria by Jurkevics (2021):

4. Strategies to control purchased land—for example, use of force—mimic sovereign power.

⁷⁰ *Ibid*

⁷¹ *Ibid*

⁷² "Saudi Star Agriculture and Irrigation Project in Ethiopia." Business & Human Rights Resource Centre, 23 June 2014, www.business-humanrights.org/en/latest-news/saudi-star-agriculture-and-irrigation-project-in-ethiopia/.

⁷³ Jurkevics, Anna. Above on note 49, pp.42

The fourth and final criterion defines how sovereignty is alienated when a landowner imitates the state in order to control the boundaries of his property. It may appear to be similar to the previous three conditions, but this one involves force. Force is defined as one of the state's powers over its citizens, and when this power is delegated to private actors, we can see an alienation of the right to jurisdiction as well as the control and coercion of the inhabitants. Not only are local communities being displaced, but there is also the use of force, through private protection forces, to bend individuals to the will of new landowners. This abuse is common in land grabbing, which occurs in regions within weak states that do not properly exercise their sovereignty.⁷⁴

In 2015, for example, paramilitary groups were used in collaboration with the Italian-Spanish-Colombian palm oil company Poligrow to 'provide for the security of the company's landed properties. However, journalists discovered that these paramilitary groups used force and violence against indigenous peoples who opposed the company's forced displacement.'⁷⁵ However, a search on the internet for 'Poligrow' (with results in Italian) will yield a few articles discussing the scandal, as well as articles praising the company, which claims to be environmentally sustainable and to have improved the lives of thousands of families. It is stated that the company built infrastructures and provided electricity 24 hours a day to the residents of the area⁷⁶, which may be true, but it is unclear whether all of this occurred with the involvement and advice of local communities.

Instead, search for 'poligrow company', which will yield mostly English results, and it will be more likely to find articles condemning the company's abuses at the expense of local populations. This demonstrates that it is not always easy to find information, and that even if there is evidence against, in this case, a company, that company is able to continue operating without consequences, most likely because, by now, territorial sovereignty in that area of Colombia is de facto Poligrow's, and the Colombian government appears uninterested in the issue, as opposed to local activists and journalists.

The first chapter ends with a review of the history and current state of the global phenomenon known as land grabbing. This enables us to comprehend the causes and incentives that continue to drive numerous nations and corporations to engage in land grabs, as well as—and this is crucial—how the state's territorial authority and power are threatened.

⁷⁴ Jurkevics, Anna. Above on note 49, pp.43.

⁷⁵ *Ibid*

⁷⁶ Agostino Re Rebaudengo. "E' Un Onore Contribuire Allo Sviluppo Della Colombia." ARR, 1 Aug. 2018, www.rerebaudengo.it/notes/e-un-onore-contribuire-allo-sviluppo-della-colombia/. Accessed 27 Feb. 2024.

Chapter II - Different ways to implement land grabbing: recent examples

2.1 Land grabbing performed by Asian countries in Africa

It is well known that the African continent is the most vulnerable to countries and other economic actors engaging in land grabbing, and the reason for this is that many African countries are rich in raw materials and have large areas that can easily be acquired and converted into agricultural fields or other uses.

Also, African populations and markets are expected to grow significantly in the coming decades, particularly in Sub-Saharan region. By 2050, Africa's population is expected to be 56% urban, accounting for 25% of the global working-age population⁷⁷. Investing in Africa at this period of prosperity can strengthen trade networks and secure future food and resource security.

In favor of land grabs, many African countries are unfortunately governed by politicians who easily give in to foreign countries' demands to cultivate their interests in national territory, believing that this will bring innovation and development to their population, when, in fact, these actions frequently bring more disadvantages than benefits.

Land grabbing frequently occurs in extremely poor nations, as these have large labor forces and impoverished populations that will accept any pay, no matter how low. Ethiopia, Tanzania, and Mali are three examples of countries with high hunger and poverty rates.⁷⁸

The Gulf countries, India, and China are thought to be among those that engage in the most land grabbing activities. They acquire a vast number of territories, not only in Africa but also in Latin America and Southeast Asia.

As a result, we are once again discussing neocolonialism, and the methods by which it is carried out differ depending on the country, with political expedients from rich countries also playing a role in obtaining easier approval from African governments whose lands have been targeted. In the case of China and India, economic growth has led to an increase in middle-class consumption of animal proteins and cereals, increasing demand for such foods and creating a greater need for farmland, which was initially found in areas surrounding major cities.

⁷⁷ Tiboris, Michael. "Addressing China's Rising Influence in Africa." *Globalaffairs.org*, 21 May 2019, globalaffairs.org/research/policy-brief/addressing-chinas-rising-influence-africa.

⁷⁸ Alfano, Francesca, and Arianna Giuliadori. "Land Grabbing: Opportunità O Rischi per Lo Sviluppo Dell'agricoltura? | *Agriregionieuropa*." *Univpm.it*, Sept. 2010,

In fact, between 1997 and 2010, China lost about 8.2 million hectares of arable land and subsequently became a major importer of food in 2003–2004.⁷⁹ Given the massive increase in demand for certain foods, Chinese economists believe it is critical that the country acquire land outside of its borders in order to feed a population with different needs than before. In Africa, however, agricultural investment products are typically exported to other continents and rarely to China. In contrast, for example in Laos, Chinese investors seek new territories to grow goods specifically for the Chinese market.

The underlying cause would be food security, which forces the government and businesses to seek land abroad to produce food for the population. This can also be inferred from statistics that show China to be the world's largest importer after the United States (\$3.97 trillion in imports from the US and \$3.14 trillion from China in 2022⁸⁰), with the majority of imports consisting of soybeans, vegetable oils, and agricultural oilseeds.

The graph below illustrates how agricultural imports have grown exponentially, with agricultural products valued at 234.11 million dollars in 2023.⁸¹

⁷⁹ Martin, William G., and Ravi Arvind Palat. “Asian Land Acquisitions in Africa: Beyond the “New Bandung” or a “New Colonialism”?” *Agrarian South: Journal of Political Economy*, June 2014, pp. 127.

⁸⁰ World Bank Open Data. “Imports of goods and services (current US\$) – China” data.worldbank.org/indicator/NE.IMP.GNFS.KD.ZG?end=2022&locations=CN&name_desc=true&start=2022&view=map. Accessed 12 Mar. 2024.

⁸¹ Statista. “China: Import Value of Agricultural Products 2022.” www.statista.com/statistics/749961/chinas-import-value-of-agricultural-products/.

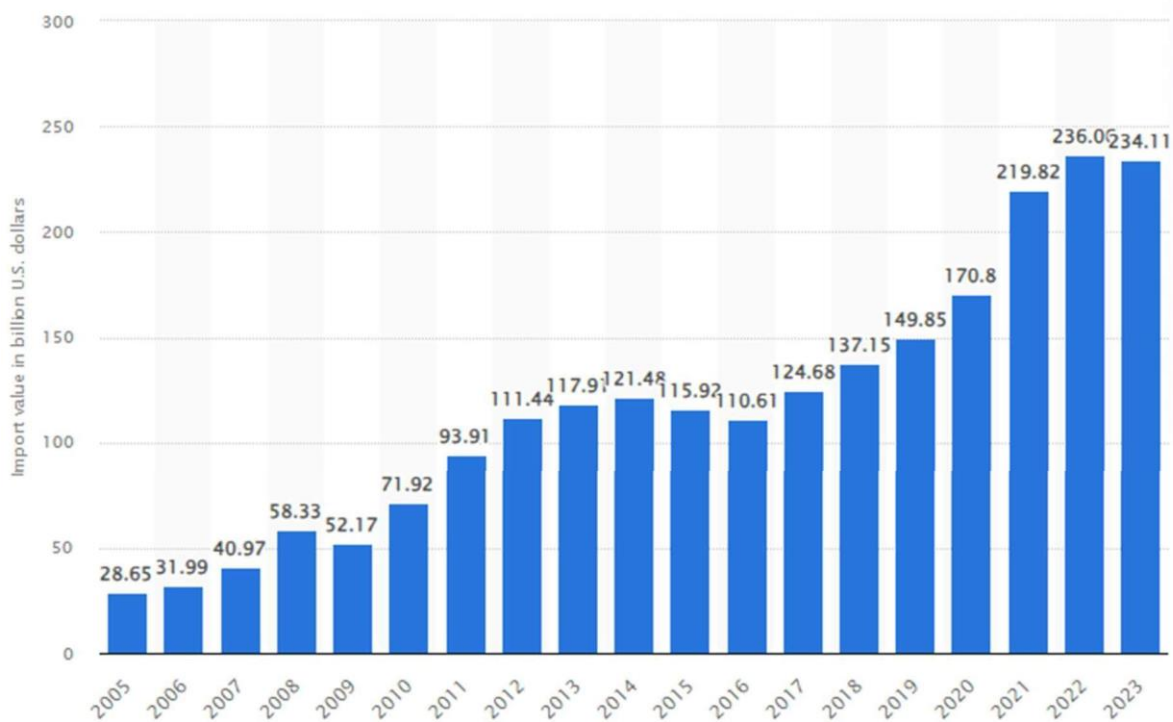


Figure 3: Import value of agricultural products to China from 2005 to 2023

Source: <https://www.statista.com/statistics/749961/chinas-import-value-of-agricultural-products/>

India, on the other hand, faces a variety of pressures, beginning with the fact that the number of citizens who do not receive the minimum daily calorie requirement is equal to the European population, with the addition that, in the twenty-first century, there was a daily net loss of 2000 farmers. This phenomenon does not appear to be abating anytime soon, in part because WTO rules prevent New Delhi from significantly increasing minimum support prices for farmers who remain well below open market rates, leaving them defenceless against the influx of cheap food.⁸² Additionally, a large area of land—roughly 4.6 million hectares⁸³—was purchased and then set aside for uses other than agriculture.

One such example is Mission New Energy, a joint venture of Australian and New Zealand corporations, a global leader in renewable energy production and one of the largest jatropha plantation companies. The company has contracted for 194,323 acres of land in India, spread across 5 states, 51 districts, and 15,300 villages.⁸⁴

⁸² Martin, William G., and Ravi Arvind Palat. Above on note 77. Pp. 128.

⁸³ *Ibid.*

⁸⁴ “Mission Canaccord Genuity Global Growth Conference.” Mission New Energy, 12 Aug. 2011, www.missionnewenergy.com.

The jatropha has also been grown in vast Indian territories that have been converted by the Indian government.

Following China's lead, the Indian government encourages its entrepreneurs to expand abroad, particularly in Africa, where production costs are still very low.

The chart below shows data for agricultural products imported from India in 2023 (in billion Indian rupees).

With 17% of all agricultural imports going to India, Indonesia is the country that provides the most agricultural products. Malaysia comes in second with 14%.⁸⁵

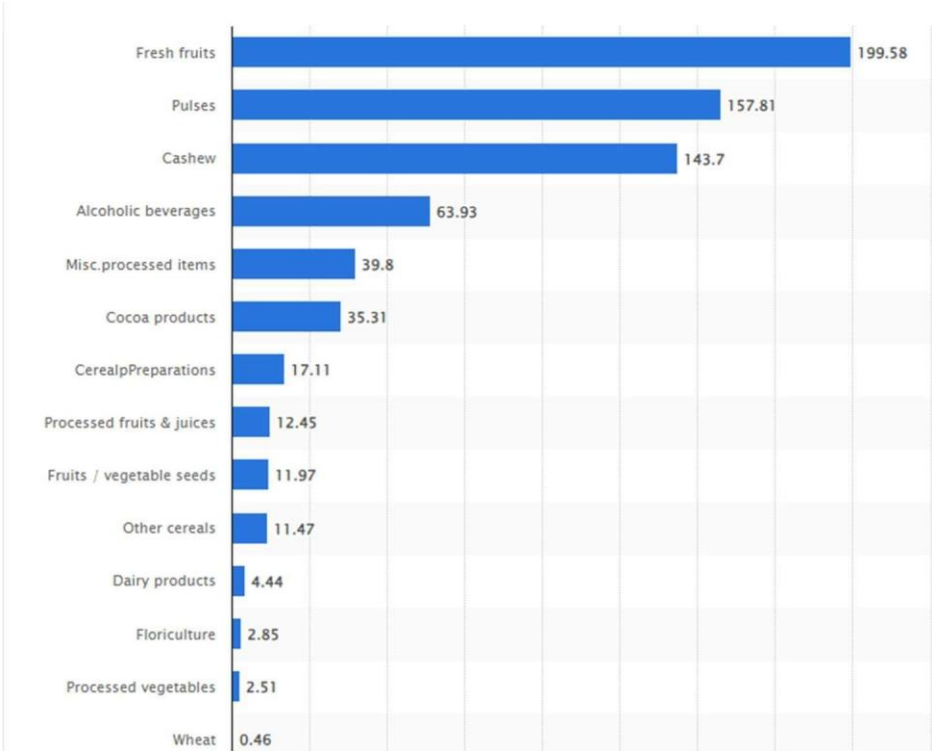


Figure 4: Leading agricultural and allied sector imports to India in financial year 2023, by leading commodity

Source: <https://www.statista.com/statistics/1360697/india-leading-agricultural-commodity-imports/>

As previously discussed, this land grabbing in Africa ignores the local population, who is torn away from their land and, in many cases, their lives from one day to the next.

This trend will not be easily reversed, especially because China, India, and the Gulf countries are experiencing continuous population growth, which will increase demand for agricultural

⁸⁵ Fas.usda.gov. "India 2021 Export Highlights | USDA Foreign Agricultural Service.", fas.usda.gov/india-2021-export-highlights#:~:text=Indonesia%20is%20the%20top%20supplier. Accessed 13 Mar. 2024.

products, prompting local businesses to seek new land to cultivate or governments to seek new land to transform for what is economically convenient for them.

For these reasons, these are currently regarded as the countries that most actively engage in land grabbing, citing factors such as food scarcity and population growth as motivation.

2.1.1 Why countries choose Africa for agriculture investments

It is not difficult to understand why, historically, the African continent has always piqued the curiosity of Western countries that used colonialism to enrich themselves. Africa was famous at the end of the nineteenth and beginning of the twentieth centuries for its vast resources of raw materials and cash crops, but more recently, the goal of those who acquire land has changed, or rather, in addition to mineral resources and raw materials, there has been an exponential increase in interest in cultivating food and biofuels for export.⁸⁶ This is primarily done by Gulf countries and growing economies like India, China, Brazil, and even South Africa, which export food from Africa to their own countries.

Currently, foreign investments in African land are driven by two major factors: mutual interests between African states and the elite, the World Bank and the FAO, and firms that push investment in African lands with their wealth⁸⁷. These factors, which are now solid, were developed prior to the twenty-first century, with the end of colonialism, the independence of African countries, and the increasingly active engagement of international institutions.

Indeed, in the 1980s and 1990s, some major sub-Saharan states, including Nigeria, Kenya, Ghana, Tanzania, and Uganda, were forced to implement structural adjustment policies that resulted in a drastic reduction in state expenditure on agriculture and irrigation, while foreign aid for agricultural development was reduced by 50% in the last 15 years of the twentieth century.⁸⁸ This resulted in lower per capita cereal production and higher agricultural exports.

These schemes have weakened the African countries that have participated, prompting their governments to seek alliances with foreign powers to invest in agriculture. This was partly due to the fact that international agencies such as the FAO and the World Bank 'sponsored' African lands by alleging that they were not occupied or used productively enough.⁸⁹ The word "non-productive" or "underutilized" in relation to land came from a capitalist perspective, because each piece of land served a specific use, particularly in small villages where it was a source of

⁸⁶ Martin, William G., and Ravi Arvind Palat. Above on note 77. Pp. 136.

⁸⁷ *Ibid*

⁸⁸ *Ibid*

⁸⁹ *Ibid*

income. As Michael Taylor, a policy specialist at the International Land Coalition notes, ‘If land in Africa hasn’t been planted, it’s probably for a reason. Maybe it’s used to graze livestock, or deliberately left fallow to prevent nutrient depletion and erosion ... there is no land in Ethiopia that has no owners and users’⁹⁰.

All of these acts and announcements encouraged an increase of agricultural investments from abroad, partly because the governments themselves offered the land at a low price to promote acquisitions.

The rise in oil prices since 2003 has boosted foreign investment in agriculture, prompting the EU and the US to subsidise biofuels at the state level for over \$10 billion in 2006⁹¹. These biofuels absorb significant portions of US maize production and European vegetable oil, 40% and 60%, respectively, and it is estimated that the large production of biofuels has raised food costs by at least a third⁹². Furthermore, thanks to the Commodity Futures Modernization Act (CFMA), which was introduced by the US Congress in 2000⁹³, investments in the agricultural sector increased even more, allowing commodity index fund to rise by 500% between 2005 and 2008, totaling up to \$250 billion in investment.⁹⁴

This ever-increasing need for land for biofuels drives even more nations to seek land for this reason, aggravating the problem of land grabbing.

A second key reason that enhanced foreign investment in African land was the rise in food prices in 2007 and 2008. This has resulted in convergence of interests among African governments, oil-rich Gulf nations, and emerging-country governments, resulting in an increasingly important business involving vast tracts of land and countless local inhabitants. This explains why the World Bank and the FAO claimed that there were vast uninhabited or underutilized territories on the African continent while criticizing Asian land grabs by countries such as China, India, and Saudi Arabia for ‘taking off’ African lands that could be taken from the Global North.

It should also be noted that many African countries have seen a reduction in agricultural investment during the 1980s, making them net importers of food from the North of the world,

⁹⁰ Vidal, John. “How Food and Water Are Driving a 21st-Century African Land Grab.” *The Guardian*, 7 Mar. 2010, www.theguardian.com/environment/2010/mar/07/food-water-africa-land-grab.

⁹¹ GBEP, “FAO, per Valorizzare Appieno Il Potenziale Dei Biocombustibili Serve Una Revisione Delle Politiche.”, www.globalbioenergy.org/news0/newsletter/newsletter5ita/5/en/. Accessed 19 Mar. 2024.

⁹² Martin, William G., and Ravi Arvind Palat. Above on note 77. Pp. 137.

⁹³ Chen, James. “Commodity Futures Modernization Act (CFMA) Definition.” *Investopedia*, 10 Oct. 2022, [www.investopedia.com/terms/c/cfma.asp#:~:text=The%20Commodity%20Futures%20Modernization%20Act%20\(CFMA\)%2C%20adopted%20in%202000.](http://www.investopedia.com/terms/c/cfma.asp#:~:text=The%20Commodity%20Futures%20Modernization%20Act%20(CFMA)%2C%20adopted%20in%202000.)

⁹⁴ Martin, William G., and Ravi Arvind Palat. Above on note 77. Pp. 137.

as they were produced in abundance and the markets were full at the time⁹⁵. The crisis has highlighted the dangers of relying on foreign food, especially while currency exchange rates have shifted dramatically.

In this circumstance, African states required foreign investors, while countries such as China, India, and the Gulf countries, for various reasons, required land to buy in order to utilize it economically. The sovereign wealth funds of the Gulf states were highly interested in African territory because, even before the 2008 crisis, they were concerned about their countries' food security due to a lack of large agricultural lands. China and India, which had huge cereal reserves and were also direct producers, were relatively unaffected by the food crisis because they had prohibited exports and placed inventories on the local market. Chinese investments in Africa after 2008 were driven not only by the need to produce agricultural products for import into China (because domestic production fails to meet demand), but also by the desire to invest in specific agricultural projects, large plantations, and commercial farms.⁹⁶

China's projects have so far not contributed significantly to an increase in African agricultural productivity, because, even if Chinese agriculture is more similar to African agriculture than Western agriculture, there are significant differences that affect production development and overall output. Chinese agriculture is built on small-scale production and minimal mechanization, similar to African agriculture, however the use of GMOs, agricultural practices such as fallow land, China's water resources, and human capital usage differ significantly from the African model⁹⁷.

However, Chinese private investments have increased significantly, and many of them produce for local markets or export to Europe and North America, such as some sugar enterprises in Togo and Sierra Leone. It is also becoming more frequent for China to buy grain and other food from exporting countries because it is less expensive than setting up a farm in Africa and producing the requisite food. India also has many agricultural investments, although few of them are made to export commodities to India.

Among the most significant examples of Indian investment are the holdings of the Siva group, one of the biggest private land acquisition companies for the production of palm oil. With enormous holdings in Liberia, Sierra Leone, and Cameroon (200000 hectares only here⁹⁸), the Siva group owns over 1 million hectares of land worldwide.

⁹⁵ *Ibid*

⁹⁶ *Ibid*

⁹⁷ *Ibid*, pp.138.

⁹⁸ Hoyle, David, and Patrice Levang. "Oil Palm Development in Cameroon." Cifor, Mar. 2012, www.cifor.org/knowledge/publication/3793/.

All of the big investments made by India, China, and the Gulf countries differ from those made by Western countries. In fact, Asian and Middle Eastern countries did not use the IMF and the World Bank to force African countries to implement specific restructuring plans that were supposed to help their economies, but instead aggravated them by allowing Western enterprises to enter politically and economically into Africa, taking their lands at a time when they were already weak due to financial and economic problems. This disconnection between the two areas of the world has caused African countries to approach new investors more closely than 'old settlers'.

2.1.2 Chinese foreign investments in Africa: Land grabbing or economic development for the continent?

In order to evaluate China's land grabbing on the African continent, we must first understand how it began and its motivations.

There has always been a lot of criticism about Chinese foreign investment through land acquisition, with some claiming that it is done for exploitation. However, others argue that Chinese investments can be an incentive for the development of territories that are under influence through 'soft power' and diplomacy. The Western media tends to condemn China for these actions, and while the objectives may be more political, they have sparked a heated debate about Chinese offshore investments in developing countries.

According to research, this argument did not exist until the 2000s and became increasingly prominent beginning in 2008, with the publication of Grain's report *Seized*.⁹⁹ The media associates Chinese land grabbing with a neocolonial attitude aimed at growing power and influence.

Zhou Xiaojing, vice-director of the Institute of Asian and African Development Studies at the Chinese State Council Development Research Center, stated in *People's Daily* (2006):

“The African version of the China threat theory includes the following points: first, preying on energy and resources in Africa, second, capturing African markets with cheap commodities: third, developing China’s economic model and challenging concepts of so-called democracy and human rights that are adopted by the United States

⁹⁹ Hofman, Irna, and Peter Ho. “China’s “Developmental Outsourcing”: A Critical Examination of Chinese Global “Land Grabs” Discourse.” *Journal of Peasant Studies*, vol. 39, no. 1, Jan. 2012, pp. 1–48, <https://doi.org/10.1080/03066150.2011.653109>.

and other Western countries.”¹⁰⁰

It is considered that business activity abroad is motivated by concerns about domestic development, food security, and market expansion. Chinese investors would then influence other countries' food security to protect their own. Strong criticism has been levelled at China for taking food from African countries and exporting it to China, although this has proven to be almost incorrect, as agri-food imports from African countries are extremely low.¹⁰¹

Attention is also paid to China's use of 'soft power', particularly in international affairs and foreign investment. It has been stated that this 'tactic' would also be used to avoid meddling in potentially sensitive issues, such as the treatment of people employed in their African companies. Interestingly, being subject to African legislation in the event of exploitation in Chinese companies would be the fault of local institutions, not Chinese investors.

Furthermore, the country's generous aid and investments enable it to pursue a more favorable policy toward them without having to make formal demands or go through a lengthy bureaucracy.¹⁰² While China's actions have been heavily condemned, some say that they can help develop a new sort of diplomacy, replacing what the West has been attempting to create for decades through aid and good governance programs.

A.C. Alves, for example, stated that since the founding of the Forum on China-Africa Cooperation¹⁴ (FOCAC) in 2000 “China has reduced and exempted a total of 1.3 billion USD (10.5 billion RMB) of debts owed by 31 African countries’ while ‘trade between both parts has rapidly increased since then”.¹⁰³

In 2005, for example, China eliminated trade tariffs on 190 commodities from 25 Least economically developed African countries. This strategy resulted in a 1.5-billion-dollar deficit between China and Africa the following year. The country also invests in human resources, such as sending 1500 African students to China each year, and locally there are training locations in various areas of expertise.¹⁰⁴

As a result of these events, a conversation about soft power arose, which China would deploy in international contexts to develop a new diplomacy while also capitalizing on an expanding

¹⁰⁰ Zhou, X. “China-Africa Co-Op Transparent & Mutually Beneficial.” People’s Daily Online, 21 June 2006, english.peopledaily.com.cn/200606/21/eng20060621_276048.html.

¹⁰¹ Hofman, Irna, and Peter Ho. Above on note 96.

¹⁰² *Ibid.*

¹⁰³ Alves, A.C. Emerging Postcolonial Solidarities: China’s New Economic Diplomacy towards Sub-Saharan Africa. June 2006. Paper presented to the 16th Biennial Conference of the Asian Studies Association of Australia, Wollongong 26 June–29 June 2006.

¹⁰⁴ Hofman, Irna, and Peter Ho. Above on note 96.

number of alliances with foreign powers¹⁰⁵. Western governments concerned that this policy would benefit China while harming their relations with poorer countries.¹⁰⁶ This was partially because Western countries, because to their colonial past, were viewed as conquistadors by the inhabitants of the poorest countries, and Chinese businessmen utilized an approach that inspired people to believe in a potentially better future for themselves.

As a result, China began to create a development model for these countries that combined economic development with health, education, and rural poverty alleviation¹⁰⁷. In Africa, it began to establish training agriculture institutes in some countries, bringing Chinese expertise wherever possible. These teachings are also in great demand among local governments in light of recent food crises, and the Chinese teach what they know to African people while conducting extensive study on the many adaptations of Chinese seeds to African soils.¹⁰⁸ For who support China, these are examples that demonstrate that the narrative that portrays the Chinese government as a country that goes to Africa to exploit local inhabitants is incorrect, as the Chinese strategy would benefit both China and African states.

Rubinstein, for example, argues that research conducted by Chinese agronomists can improve Mozambique's food security, and he also highlights an important Chinese research funded by the Gates Foundation for the development of a specific variety of rice that can withstand droughts, flooding, harsh weather, and toxins¹⁰⁹.

Despite this 'proof' in favor of Chinese foreign investments, some claim that China just employs 'tactics' to portray itself as a benevolent country in the perspective of locals, with China reaping the true benefit. Consider the fact that in African countries where China operates, there is a lower demand for local labor, which would be induced by the transition to large-scale monoculture production from small local farms, but also by the fact that China employs many of its citizens in Africa, "taking away" the jobs of the people who live there¹¹⁰.

Contracts with Chinese landowners, when done correctly, can offer a consistent salary and access to new knowledge and expertise while preserving control of the land. This would be a positive approach that would benefit both countries. In the case of China, we speak more

¹⁰⁵ Woolcock, S., and B. Bayne. *The New Economic Diplomacy*. London: Ashgate (2nd edition), 2007.

¹⁰⁶ Hofman, Irna, and Peter Ho. Above on note 96.

¹⁰⁷ Ho, P. "Beyond Development Orthodoxy: Chinese Lessons in Pragmatism and Institutional Change." P. Van Lieshout *Doing Good or Doing Better*. Wetenschappelijke Raad Voor Het Regeringsbeleid (WRR, Dutch Scientific Council for Government Policy), University of Amsterdam Press, 2009. pp. 177–210.

¹⁰⁸ Shun, C. "La Chine Contribue a l'Autosuffisance Alimentaire Du Se'Ne'Gal." Casafree/Xinhua, 22 Dec. 2008, www.casafree.com/modules/news/article.php?storyid¼ 26204. Accessed 16 Apr. 2024.

¹⁰⁹ Rubinstein, C. "China's Eye on African Agriculture." *Asia Times Online*, 2 Oct. 2009, www.atimes.com/atimes/China_Business/KJ02Cb01.html.

¹¹⁰ Murray Li, T. "Centering Labor in the Land Grab Debate." *Journal of Peasant Studies*, 2011. 38(2), 281–298.

accurately of 'developmental outsourcing', (although the Western media more easily associates it with land grabbing) in which the state plays a very large role in the control of production carried out abroad.

According to Alden, there are several factors that push Chinese enterprises to invest abroad, including resource security, new markets and investment opportunities, symbolic diplomacy, and strategic collaborations¹¹¹. Chinese enterprises hunting for natural resources across national borders do so because they believe these resources are insecure and seek security elsewhere. Furthermore, China's development in some African countries is remarkably similar to the trajectory that has occurred in China in recent decades¹¹². The country's enormous development has resulted in increased demand for domestic natural resources.

According to UNOHCHR data, the Chinese population accounts for 21% of the global population, but they own only 8.5% of arable land and 6.5% of the world's water supplies. Between 1997 and 2010, China lost 8.2 million hectares of arable land owing to urbanization and environmental degradation¹¹³. Since 2004, the country has also been a net food importer, and in order to accelerate its economic development, it invests in a number of foreign countries where farmland is still easily available¹¹⁴.

According to World Bank data, the African food market is expected to be worth \$2.1 trillion by 2025, which could be another reason for China's investment in the region¹¹⁵.

The stimulus for this new economic development is also due to the fact that the emerging Chinese middle class desires much more expensive items and lives a more Western lifestyle, which will result in significantly increased consumption per person. Food products such as coffee, cocoa, wine, and animal products are more efficiently produced outside, necessitating investment¹¹⁶. As a result, China has gradually emerged as a prominent player in the global land market. The fact that the country has grown agricultural activity overseas through land

¹¹¹ Alden, C. "China in Africa." *Survival*, 47(3), 147–164., 2005.

¹¹² Jiang, W. "Fuelling the Dragon: China's Rise and Its Energy and Resources Extraction in Africa." *The China Quarterly* 199, Pp. 585–609., 2009.

¹¹³ United Nations Office of the High Commissioner for Human Rights (UNOHCHR). *Mandate of the Special Rapporteur on the Right to Food. Mission to the People's Republic of China from 15 to 23 December 2010: Preliminary Observations and Conclusions*. Beijing: United Nations Office of the High Commissioner for Human Rights. 2010.

¹¹⁴ Humphrey, John, and Hubert Schmitz. *China: Its Impact on the Developing Asian Economies*. Institute of Development Studies, 2007.

IDS Working Paper 295, Brighton (U.K.): (IDS). IRIN. 2009a. Asia: Land grabs threaten food security. IRIN Humanitarian news and analysis.

¹¹⁵ Tiboris, Michael. Above on note 76.

¹¹⁶ Hofman, Irna, and Peter Ho. Above on note 96.

acquisitions must be considered alongside massive investments in infrastructure, mining, and oil mining, as these carry more weight and generate more profit than agricultural investments. Between 2006 and 2010, China made a total of \$215.9 billion in foreign investments. The majority of these investments focused on energy and power (47.3%), metals and mining (28.2%), and finance and real estate (18.2%). Agriculture accounted for only 4.2% of overall investment¹¹⁷. Although agriculture receives a smaller amount of investment than other industries, it is worth noting in light of the cases provided later. The following table lists the ten African nations where Chinese agro-firms operate.

Rank	Country	Number of Chinese agro-firms	Number of Chinese companies of all kinds	Share of agro-firms
1	Zambia	23	187	12.3%
2	Gabon	12 (11 in forestry and fishery)	33	36.4%
2	Mozambique	12	81	14.8%
3	Ghana	12 (7 in fishery and forestry)	142	8.5%
4	Tanzania	12	147	8.2%
5	Mauritania	8 (All in fishery)	21	38.1%
6	Liberia	8 (6 in forestry and fishery)	34	23.5%
7	Sudan	8	91	8.8%
8	Angola	8	116	6.9%
9	Madagascar	7	32	21.9%
10	Zimbabwe	7	94	7.4%

Figure 5: Top 10 African countries hosting Chinese agro-firms

Source: <https://www.jstor.org/stable/resrep25894>

China's worldwide strategy builds on the 'going global' initiative, which began in 2000 as a five-year plan to encourage Chinese enterprises to grow internationally. Natural rubber, cotton, oil-bearing crops, lumber, and vegetables were the main agricultural items affected¹¹⁸. In 2008, China's Minister of Agriculture pushed for international development into agribusiness¹¹⁹.

¹¹⁷ *Ibid*

¹¹⁸ *Ibid*

¹¹⁹ Ping, Li. "Hopes and Strains in China's Oversea Farming Plan." *Economic Observer Online*, 3 July 2008, www.eo.com.cn/ens/Industry/2008/07/03/105213.html.

Chinese government directives urged state-owned enterprises to invest primarily in edible oil-bearing crops in a variety of regions, including South America, Africa, Russia, Central Asia, and Southeast Asia, as well as the principles that would govern agricultural investments¹²⁰.

The farms have to be in countries with good relations with China, with abundant resources and human capacity, as well as political stability¹²¹. Below are reported some Chinese agricultural foreign investment policy.

Policy objectives ^a	<ul style="list-style-type: none"> • Guarantee the adequate supply of major agricultural produce by utilising overseas agricultural resources • Explore and expand international markets for China's advanced agricultural produce and technology • Utilise advanced foreign agro-technology • Enhance the international competitiveness of Chinese agricultural enterprises
Investment destinations ^b	<p><i>Principle: prioritise neighbouring countries; countries rich in agricultural resources; and countries with a good investment environment</i></p> <ul style="list-style-type: none"> • Neighbouring countries/regions: Russia, Central/Eastern Europe, Central/Southeast Asia • Latin America • Africa • The West (Europe, North America, Australia, etc.)

Investment fields ^c	<p><i>Principle: prioritise significant cash crops of high import-dependency, complemented with grain crops in appropriate regions</i></p> <ul style="list-style-type: none"> • Crop farming <ul style="list-style-type: none"> » Southeast Asia: palm oil, rubber, rice, maize, etc. » Russia, Central Asia and Central/Eastern Europe: soybean, rapeseed, cotton, wheat, barley, maize, etc. » Latin America: soybean, cotton, sugar products, etc. » Central/Southern/Eastern Africa: cotton, grain crops, etc. » Central/Western Africa: cotton, palm oil, rubber, etc. » South Asia, Australia, North America: soybean, cotton, rapeseed, wheat, sugar products, etc. • Animal husbandry • Fishing industry
Investment value chain ^d	<p><i>Principle: start from and focus mainly on storage and logistics; complementing with production, processing and international trade, etc.</i></p> <ul style="list-style-type: none"> • Production • Processing • Storage • Logistics • Trade
Investment modalities ^e	<ul style="list-style-type: none"> • Greenfield investment: to start a new enterprise (farm and/or processing factory) in the investment destination country • Equity investment: to participate in corporate operations through share purchases or mergers and acquisitions (M&A) with established agro-enterprises in the investment destination country
Investment entities ^f	<ul style="list-style-type: none"> • To support some central enterprises and large-scale agricultural enterprises to become the main force of China's overseas agricultural investment • To encourage non-agricultural, private and medium/small-sized firms to participate in the agricultural foreign investment process
Supporting measures ^g	<ul style="list-style-type: none"> • Policy encouragement and investment guidance • Financial support • Insurance and tax measures • Diplomatic backup

¹²⁰ Ibid

¹²¹ Ibid

Figure 6: Chinese agricultural foreign investment policy

Source: <https://www.jstor.org/stable/resrep25894>

Since many foreign investments had previously failed due to the Chinese state's lack of presence, agricultural specialists advised the government to manage foreign investments to ensure their success, dealing with trade, diplomacy, and security issues. The Minister of Agriculture also suggested that enterprises form cooperatives to avoid criticism of 'neocolonialism,' which has historically been associated with Western countries¹²². China aimed to develop globally by adopting a more modern approach that would provide better diplomatic and political rewards.

This doesn't alter the reality that Chinese actions continue to be considered troubling, and it is believed that China exploits African populations and resources for its own gain while also supporting repressive governments, which is opposite to Chinese government guidelines. A common complaint is that African countries regard China as the new 'savior' country who might help them economically¹²³. As a result, they accept numerous Chinese contracts without adequately protecting their rights or evaluating the long-term viability of the infrastructure they build. China's willingness to finance infrastructure projects makes it enticing for some African governments to form partnerships with them.

Also, China-supplied funds for projects are often viewed as more accessible and less conditional than Western financing.¹²⁴

These China-Africa economic links are not as new as one might assume; for example, China built the Tanzania-Zambia railway in the 1970s, and it later had many relations with Africa in the late twentieth century¹²⁵. About Sub-Saharan Africa, China is not the only country that makes large investments; India, the Gulf countries, and Japan all lend credit and invest in the region¹²⁶.

In 2015, China signed a Memorandum of Understanding (MOU) with the African Union to build trains, roadways, and aviation transportation links in Africa¹²⁷. The MOU's diverse

¹²² *Ibid*

¹²³ Arewa, Olufunmilayo. "Constructing Africa: Chinese Investment, Infrastructure Deficits, and Development." *Cornell International Law Journal*, vol. 49, no. 1, 1 Jan. 2016, p. 101, scholarship.law.cornell.edu/cilj/vol49/iss1/4/?utm_source=scholarship.law.cornell.edu%2Fcilj%2Fvol49%2Fiss1%2F4&utm_medium=PDF&utm_campaign=PDFCoverPages. Accessed 18 Apr. 2024.

¹²⁴ Tiboris, Michael. Above on note 76.

¹²⁵ Monson, Jamie. "Africa's Freedom Railway: How a Chinese Development Project Changed Lives and Livelihoods in Tanzania." *Indiana University Press*, Jan. 2009, iupress.org/9780253223227/africas-freedom-railway/.

¹²⁶ Arewa, Olufunmilayo. Above on note 119.

¹²⁷ "AU, China Agree Big Infrastructure Deal." *News24*, 27 Jan. 2015, www.news24.com/news24/african-union-china-agree-big-infrastructure-deal-20150127. Accessed 18 Apr. 2024.

development goals will result in an increased number of Chinese enterprises investing in Africa¹²⁸, as well as an increase in Chinese diplomatic and political power. Many people believe China's ongoing investment in infrastructure will assist Africa's productivity and economic growth.

Indeed, Chinese infrastructure projects in Africa are rising significantly, and China is the greatest investor, funding US\$170 billion in 49 African countries and regional institutions between 2000 and 2022¹²⁹. While balancing trade interests and financial support is not always simple, China is committed to providing development assistance in Africa. Several people, however, disagree this, claiming that there is a pyramid of capital under Chinese investments that is somehow tied to the Beijing administration¹³⁰.

The different Chinese investments are made by different players with varied goals, such as state-owned enterprises and policy banks, private companies, and family businesses¹³¹. The Chinese Export-Import Bank also provides direct financing and aims to invest more than a trillion dollars by 2025 in the continent¹³². During the 2010s, China granted various loans to African countries and formed the China-Africa Development Fund in 2007 to focus on five areas: agriculture, industrial parks, infrastructure, mining and resources, and manufacturing¹³³. Already in 2013, this fund oversaw 60 projects in over 30 African nations, including a \$400 million investment in South Africa alone at the end of 2012.¹³⁴

In terms of infrastructure investment, the industries that profited the most were power and transportation, particularly railways. In 2012, Chinese corporations signed \$40.8 billion worth of construction contracts in Africa, a 45% increase from 2009¹³⁵. These contracts accounted for

¹²⁸ “China to Cooperate with Africa on Building Infrastructure Networks.” China-Embassy.gov.cn, 21 Sept. 2015, za.china-embassy.gov.cn/eng/zngx_1/news/202401/t20240104_11218500.htm. Accessed 18 Apr. 2024.

¹²⁹ “Chinese Loans to Africa Database – Data Download | Global Development Policy Center.” Wwww.bu.edu, 18 Sept. 2023, www.bu.edu/gdp/chinese-loans-to-africa-database-data-download/#:~:text=The%20CLA%20Database%20estimates%20that. Accessed 18 Apr. 2024.

¹³⁰ Arewa, Olufunmilayo. Above on note 119.

¹³¹ *Ibid*

¹³² Tiboris, Michael. Above on note 76.

¹³³ Brautigam, Deborah. “Guest Post: China-Africa Development Fund in South Africa.” China in Africa, 23 May 2013, www.chinaafricarealstory.com/2013/05/guest-post-china-africa-development.html. Accessed 18 Apr. 2024.

¹³⁴ *Ibid*

¹³⁵ “China-Africa Economic and Trade Cooperation (2013).” English.www.gov.cn, Aug. 2013, english.www.gov.cn/archive/white_paper/2014/08/23/content_281474982986536.htm.

35% of China's total overseas labor contracts¹³⁶. In Sub-Saharan Africa, Chinese enterprises built the first modern tramway, which opened in Ethiopia in 2015¹³⁷.

Kenya has agreed to a nuclear power collaboration. It should be noted that China imports huge amounts of natural resources from Africa, and in 2009 it relied on the continent for 30% of oil, 80% of cobalt, and 40% of manganese¹³⁸. Many African countries have infrastructure deficits in comparison to other countries, which is caused in part by the legacy of colonialism.

It is essential that Africa's demand for private and international money serves as a significant incentive for countries such as China to invest in the region, consequently finding governments willing to negotiate. The African Development Bank (ADB) estimates that the continent requires \$130 billion to \$170 billion annually in new infrastructure to meet its needs. With 12 million young Africans entering the employment market annually, the country has significant development requirements¹³⁹

To summarize, China is known for not engaging in land grabbing but rather outsourcing, as it adheres to guidelines that limit dictatorial behavior and the exploitation of the local population. It is worth noting, however, that when we are discussing infrastructure investments, the term "land grabbing" does not appear in the cases available on the Internet; however, when the investments concern farmlands, the populations also complain about this subtraction of land at their expense.

As a consequence, on paper, given that China spends more in other sectors and only to a limited level in agriculture, it would be involved in less land grabbing than other countries that instead own extensive African lands used for agricultural purposes. Thus, China, like many other countries, engages in land grabbing. It does so in fewer numbers than others because it behaves differently in other situations, but it cannot be stated that it is not guilty of the problem.

2.1.3 Examples of Chinese land grabbing in Africa: Zambia and Mozambique

Zambia

¹³⁶ *Ibid*

¹³⁷ "Deloitte on Africa. African Construction Trends Report 2014." Deloitte, 2015, www.deloitte.com/content/dam/Deloitte/za/Documents/manufacturing/za_africa_construction_trends_2015_10032015.pdf.

¹³⁸ Foster, Vivien, and William Butterfield. Building Bridges China's Growing Role as Infrastructure Financier for Sub-Saharan Africa. 2009, documents1.worldbank.org/curated/en/936991468023953753/pdf/480910PUB0Buil101OFFICIAL0USE0ONLY1.pdf.

¹³⁹ Tiboris, Michael. Above on note 76.

Zambia is the African country where China invests the most in agriculture, with 23 agro firms. Zambia, like many other African countries, has received a large number of agricultural investments through initiatives carried out by private and foreign actors with available resources. These types of investment, however, have sparked various objections, as they are viewed as kinds of land grabbing due to how they are carried out and handled. In this case, we'll discuss land acquisitions and agricultural investments made by Chinese actors in Zambia, which have increased over the 2000s.¹⁴⁰

It should be mentioned that, contrary to popular belief and in comparison to many other Chinese investments, these initiatives are carried out by individual migrants who choose to invest in Zambian territory rather than the Beijing government. In fact, considering China's high internal migration rate, Zambia may provide many Chinese citizens with opportunity to start a new life through various types of investments.¹⁴¹

Specifically, a new 'social class' of Chinese migrant farmers has emerged, which appears to be the source of the Zambian agricultural sector's growth. They are not farmers who cultivate their land for subsistence, as many small African farmers do; rather, their purpose is to grow economically and increase profits. All of this is possible because of a convergence of interests between the country, in need of investment, and the Chinese who are ready to invest and want to earn profit.

Despite the Western narrative accusing China of land grabbing and neocolonialism, many say that China, unlike India, the Gulf countries, and some European countries, is not one of the primary promoters on the African continent.

In Zambia, there are now only two Chinese state farms, while all others are private. The largest and most important is the state-owned Jonken Farm, which covers 3500 hectares and is managed by the China National Agricultural Development Group Corporation (CNADC).¹⁴²

This is one of the few occasions where China has invested extensively in Zambia's agricultural sector, but the Chinese state's interests are primarily in infrastructure and mining. As a result, large investments like as Jonken Farm are unlikely to occur in the near future. Other private investors have made significant investments in Zambia's agricultural sector during the last ten

¹⁴⁰ Chatelard, Solange Guo, and Jessica M. Chu. "Chinese Agricultural Engagement in Zambia: A Grassroots Analysis." www.econstor.eu, 2015, hdl.handle.net/10419/248183. Accessed 24 Apr. 2024.

¹⁴¹ *Ibid.*

¹⁴² Abdelghaffar, Nadia, et al. Leveraging Chinese FDI for Diversified Growth in Zambia. The Woodrow Wilson School, 2016. pp. 29.

years, most likely due to competition with China and a desire to explore new prospects in Africa.¹⁴³

One factor that separates Chinese investors in Zambia is that, because they are primarily private and act on their own, they lack prior experience in the agricultural or economic sectors, as they frequently start from the beginning, forming a small company. As a result, there is now no meaningful competition with the international corporations that are already present on the ground and have considerably more business expertise.

As a result, Chinese private investors are beginning to form their own enterprises, motivated by a desire to learn how to grow in a new market with multiple prospects, rather than an economic or political motivation drawn from the Chinese government.

To gain a more realistic picture of Chinese growth in Zambia, consider Tonge Zambia, a Chinese private agribusiness founded in 2003 in Chipata and funded in 2011 by the China Africa Development Fund to expand into Malawi, Mozambique, Mali, and Zimbabwe. The information originates from Yuezhou Yang's (2024) field investigation in Zambia in 2018 and 2019, when he interviewed Chinese managers who had invested in Zambian territory. In Zambia, the firm made contract farming with about 50000 farmers, resulting in cultivations of 40000-50000 hectares to supply its cotton ginning and processing factories in Zambia.¹⁴⁴

Tonge Zambia has not entered into land transactions with its contracted farmers, as opposed to the tenant or block farm outgrower agreements common in Zambian sugar cane production.¹⁴⁵ Farmers produced cotton on household plots, with inputs and seeds provided by the Tonge Zambia firm. During harvest seasons, the corporation purchases cotton from farmers and compensates them after deducting the cost of seeds and inputs.¹⁴⁶

The management of Tonga Zambia says that this contract farming model was the best alternative given Zambia's land governance. This is because the country has many customary regions to which foreigners cannot simply access or transfer land, as customary land requires a formal conversion procedure to become land to acquire. This created difficulties for managers since they believed that in order to improve the production process and the company as a whole, they needed tens of hundreds of hectares of land to grow cotton.¹⁴⁷ The customary lands were

¹⁴³ Chatelard, Solange Guo, and Jessica M. Chu. Above on note 140.

¹⁴⁴ Yang, Yuezhou. "Property Institutions and State Capacity: A Comparative Analysis of Chinese Agricultural Projects in Zambia." *Journal of Development Studies*, 25 Mar. 2024, pp. 1–16, <https://doi.org/10.1080/00220388.2024.2328034>. Accessed 26 Apr. 2024.

¹⁴⁵ Manda, Simon. "Sugarcane Commercialization and Gender Experiences in the Zambian "Sweetest Town."" *Feminist Economics*, vol. 28, no. 4, 25 July 2022, pp. 254–284, <https://doi.org/10.1080/13545701.2022.2079697>. Accessed 20 Nov. 2022.

¹⁴⁶ Yang, Yuezhou. Above on note 144.

¹⁴⁷ *Ibid.*

consequently required, but the conversion process was more risky and complicated, wasting the company's time.

As a result, they chose contract farming to acquire indirect access to customary land without actually owning it. But Tonge Zambia's managers found an issue with loan repayment from contract farmers. In fact, when the climate is unfavorable and there is a lot of drought, farmers utilize the farm's input package to grow wheat and consume it, so they don't produce enough to repay the Tonge Zambia.¹⁴⁸

In addition, side selling, which is common in these situations, would continue until the corporation had established a long-term and trusting relationship with contracted farmers. These issues demonstrate that no matter how hard they strive to gain control over customary land, production is constrained since there are no legal procedures to optimally regulate contracts with contracted farmers. As a result, the only way for corporations that use contract farming to have better control over the contracted farmers is to create trusting relationships with them, which will be consolidated over time.

This is only one example of how a Chinese company has merged economically into Zambia and is growing despite some obstacles.

The fact that China has a consistent economic influence in Zambia is undeniable, but it is interesting to see what Zambians think of this Chinese influence through surveys conducted by Afrobarometer (2024) (a pan-African, non-partisan survey research network that provides reliable data on African experiences and evaluations of democracy, governance, and quality of life). It is thus reported that:

- “Four in 10 Zambians (42%) said the economic and political influence of China on their country is “somewhat positive” or “very positive,” matching favourable assessments of U.S. influence and surpassing those of Japanese (31%) and European Union (28%) influence. Only small minorities saw the influence of these foreign powers as negative, while large proportions didn’t offer an assessment.”¹⁴⁹

¹⁴⁸ *Ibid.*

¹⁴⁹ Chibwili, Edward. “Perceptions of China’s Influence on Zambia Remain Positive, Though on the Decline.” Afrobarometer Dispatch No. 759, 19 Jan. 2024. <https://www.afrobarometer.org/wp-content/uploads/2024/01/AD759-Zambians-perceptions-of-Chinese-influence-positive-but-declining-Afrobarometer-19jan24.pdf>

- “Half (50%) of citizens said China’s economic activities have “some” or “a lot” of influence on Zambia’s economy, a decline of 25 percentage points compared to 2014.”¹⁵⁰
- “In Afrobarometer’s 2020 survey, more than half (53%) of Zambians were aware that their country received loans or development assistance from China.”¹⁵¹
- “Among those who were aware of China’s assistance, an overwhelming majority (87%) said Zambia had borrowed too much from China.”¹⁵²
- “Between 2014 and 2020, China’s popularity as a model for Zambia’s development declined by 10 percentage points, from 32% to 22%, while the U.S. model gained 8 points to claim the top ranking.”¹⁵³

Mozambique

China has also made several investments in various areas in Mozambique throughout the years, however there have been allegations of land grabs in the agricultural sector. So we're going to look at the Wanbao rice farm case.

Wanbao Africa Agriculture Development Limited (WAADL) is a private Chinese firm that has been operating The Hubei Gaza Friendship Farm since 2011¹⁵⁴. Many recognized land grabbing in this initiative, while others contended that the investment was beneficial to agricultural development.

This instance demonstrates how difficult it is to achieve success through an investment, specifically in agriculture, in Mozambique, due to the various difficulties that arise between local society organizations, the Mozambican government, and Chinese investors. Chinese foreign direct investment in Mozambique has increased dramatically in recent years, totaling one billion dollars from 2017 to date, in important sectors such as agriculture, mineral resources, infrastructure, and transportation¹⁵⁵. In this situation, agricultural investments have received special attention, and since the creation of the China-Africa Cooperation (FOCAC)

¹⁵⁰ *Ibid.*

¹⁵¹ *Ibid.*

¹⁵² *Ibid.*

¹⁵³ *Ibid.*

¹⁵⁴ Chichava, Sergio. “Chinese Agricultural Investment in Mozambique: The Case of Wanbao Rice Farm.” *Www.econstor.eu*, Feb. 2014, www.econstor.eu/handle/10419/248181. Accessed 26 Apr. 2024.

¹⁵⁵ “China Invested USD 1 Billion in Mozambique since 2017.” *CLBrief*, 21 May 2023, www.clbrief.com/china-invested-usd-1-billion-in-mozambique-during-last-5-years/. Accessed 26 Apr. 2024.

forum in 2000, it has sponsored several agro-processing, storage, and agricultural technology transfers to Mozambique.

Currently, the most prominent example of Chinese investment in Mozambican agriculture is the Hubei Gaza Friendship Farm, which was founded through an agreement between the Hubei and Gaza provincial governments. This arrangement awarded the Hubei Lianfeng Mozambique firm, LDA (HLMO Co., LDA), a Chinese state-owned firm, 300 hectares (ha) of rice producing land in the Xai-Xai region. Wanbao Africa Agriculture Development Limited (WAADL) took over management of the enterprise in 2011. Wanbao acquired a concession of 20,000 hectares for 50 years and intended to invest \$289 million over three or five years, beginning in 2012.¹⁵⁶ This large Chinese investment has raised concerns among the local community and NGOs.

Critics argue that the investment in the Wanbao land grab benefits mainly local elites and Chinese investors, not local communities. However, Mozambican authorities continue to assert that the initiative benefits local livelihoods by creating jobs, improving technology, and increasing agricultural output.

Although the Wanbao firm had leased 20,000 hectares, it was barely using 7,000 by 2014. At Chicumbane 4000 hectares are used to grow rice and 1000 to grow maize. The remaining 2000 hectares are in Chimbonhanine and are used for the cultivation of rice. In addition to these two crops, the corporation and the government are looking for a suitable location to produce cotton.¹⁵⁷ China Development Bank considers Wanbao's investment to be Africa's largest agricultural project, and by the end of 2013, the bank provided \$20 million in support. In November 2013, the company received an additional \$10 million from the China-Portuguese Cooperation Fund.¹⁵⁸

The company's areas employ two distinct agricultural models. There is subcontracting with four Chinese state farms, which share 1300 and 6000 hectares of land. Wanbao provides these farms with all agricultural inputs and infrastructure, like as irrigation systems, roads, and general improvements. These enterprises are then required to repay Wanbao's equipment expenditures over a three- to five-year term at a rate of 20% or 30% annually.¹⁵⁹

There is also free training available for local farmers in Chinese rice paddies. In 2013, two groups were trained to use Chinese rice technologies to boost productivity. These farmers are

¹⁵⁶ Ponguane, Sérgio, et al. "Land Grabbing or Rice Sector Development Opportunity? The Case of Wanbao Project in Gaza, Mozambique." *Journal of Asian Rural Studies*, Hasanuddin University and Asian Rural Sociology Association, 2021, www.cabidigitallibrary.org/doi/pdf/10.5555/20210431560. Accessed 26 Apr. 2024.

¹⁵⁷ Chichava, Sergio. Above on note 154.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

firstly trained for a year on a one-hectare plot of land. Following that, they are relocated to an area of 4 or 5 hectares where they are assisted in the stages of rice production, with the corporation providing all materials and equipment. Farmers must pay 50% of total output costs before the Chinese enterprise may provide agricultural assistance. To pay for this agricultural support, farmers must first obtain a bank credit and then pay Wanbao the remaining 50% of production costs after harvest. To ease this procedure, the corporation buys rice from farmers and deducts service expenses from their earnings.¹⁶⁰

Currently, the corporation employs more subcontractors, claiming that Mozambicans work less hard than Chinese.

Local civil society organizations have been criticizing Wanbao's operations since 2011. In 2012, an NGO from Xai-Xai, the *Fòrum de Organizaçaõ Nacional de Gaza* (FONGA), said that the corporation had evicted around 38000 small farmers to complete the project. In addition to the issue of transferring the local population,¹⁶¹ FONGA claimed that the company's water project could exacerbate the drought in the Lower Limpopo Valley.

In 2013, a group of 400 farmers armed with blunt weapons took to the streets to oppose the Chinese project, forcing the business to halt operations. The cops intervened to stop the protest.¹⁶² Following repeated demonstrations, the FONGA issued a letter to Mozambique's president, Armando Guebuza, expressing support for farmers. They were upset because they had not been consulted about the project and had found themselves suddenly without their land. The NGO split the affected people into two groups: those who had lost their land and requested the project's termination and the return of the property, and cattle herders who had lost their grazing land but demanded just reasonable compensation, not the cessation of the project.¹⁶³

These protests were mostly directed at local government rather than Chinese businessmen, because it was the government's responsibility to safeguard populations and prevent land acquisitions that would put people in danger. Locals were upset and unsatisfied with the government's lack of transparency and nepotism. In fact, the administration failed to notify the people about the project and only put politicians' associates in contact with investors. The Chinese also do not consider the project to be a land grab because the local people was not using the area before to their intervention and there was no agricultural infrastructure.

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

¹⁶² Chichava, Sérgio. "Mozambican Elite in a Chinese Rice "Friendship": An Ethnographic Study of the Xai-Xai Irrigation Scheme." *Future Agricultures*, Feb. 2015.

¹⁶³ Chichava, Sérgio. Above on note 154.

Because the locals are integrated into the company and learn the agro-technology of Chinese rice, the company's managers and the local government claim that there is no exploitation and that the enterprise benefits the region and its inhabitants.

These two instances provide an actual understanding of how China invests in African land and what this means for local communities. In both cases, Chinese investors bought the land through local governments, without engaging in any illegal activity; yet, the interests of the people were overshadowed, as many found themselves in a situation beyond their control. One could argue that, while China may benefit these countries economically by building infrastructure and teaching them trade, it denies these people the ability to choose how to govern their land, acting as a new 'sovereign' in the territory of other people.

All of this is possible because local governments prioritize their own personal interests over the actual welfare of their residents.

The 'fault', maybe, would thus be with the host government, which allows foreign investors to dictate the law on their own land, granting them territorial sovereignty.

2.1.4 Example of Indian land grabbing in Africa: the case of Ethiopia

India-Africa ties date back many centuries, with a significant expedition of hundreds of Indians to Africa to work on plantations during the British Empire between the 19th and 20th centuries. As a result, more than two million Indians now live in Africa, particularly in Durban, South Africa. The majority of Indians living in Africa are businesses, doctors, and engineers who contribute to Indian foreign policy, which seeks to strengthen links with Africa.¹⁶⁴

Indo-African relations have grown since the 1990s, in part due to India's market opening and promotion of private and foreign investment. They found an excellent long-term partner in Africa, implementing a strategy based on ideological principles such as South-South Cooperation, which aims to foster international relations between countries in the world's south, which have previously been colonized by western nations.¹⁶⁵ In this way, India was positioned as a superior and more reliable partner than those in Europe.¹⁶⁶

¹⁶⁴ Hules, Magdalena, and Simron Jit Singh. "India's Land Grab Deals in Ethiopia: Food Security or Global Politics?" *Land Use Policy*, vol. 60, Jan. 2017, pp. 343–351, <https://doi.org/10.1016/j.landusepol.2016.10.035>. Accessed 5 July 2019.

¹⁶⁵ *Ibid.*

¹⁶⁶ Bhattacharya, S. B. 2010. "Engaging Africa: India's interest in the African continent, past and present." In Cheru, F. & Obi, C. (Eds.), *The rise of China and India in Africa: Challenges, opportunities and critical interventions*: 63–76.

Africa was dealing with the negative effects of the World Bank and IMF's adjustment programs in the 1980s, so it turned to China and India for aid.¹⁶⁷ India established aid and assistance initiatives for African development in the fields of technology, education, and commerce.¹⁶⁸ Numerous critics see India's attention to Africa as a new sort of colonialism, similar to China's.

However, criticism has been focused primarily at China, while India has been able to grow rapidly, recognizing Africa's potential for natural resources, particularly energy, as coal supplies are expected to run out within the next 40 years.¹⁶⁹ This concerns the government because it is India's primary source of energy. In response to this and the global need to adopt sustainable energy, it has begun to enhance renewable energy production and negotiate with numerous African countries.¹⁷⁰

To have a better understanding of India's land grab in Africa, the phenomenon in Ethiopia will be examined. This country has gradually been a target country for India, which, owing to the Exim Bank, has played an important role in boosting investment and commerce between the two countries, influencing Indian investors to relocate to Ethiopia. Currently, there are numerous Indian enterprises in Africa, operating in a variety of industries such as agriculture, education, engineering, and hotel industry.

To increase trade, India implemented the Duty-Free Tariff Preference Scheme, which allowed Africa's least developed countries (including Ethiopia) to export their goods to India at a lower cost. In addition, the Indian government established a \$300 million credit line for the Djibouti-Ethiopia railway.

Among the different industries in which India operates in Ethiopia, agriculture is one of the most important; in fact, it employs 85% of the country's workforce and accounts for 50% of GDP and 60% of exports. Ethiopia exports to India raw hides, skins, leather, edible vegetables, certain roots and tubers, and oilseeds, while India exports iron and steel products, pharmaceuticals, textiles, machinery, and instruments. India has risen to become Ethiopia's third

¹⁶⁷ *Ibid.*

¹⁶⁸ Cheru, Fantu, and Cyril Obi. "Introduction-Africa in the Twenty-First Century: Strategic and Development Challenges." Research Gate, 2010, www.researchgate.net/publication/309901155_Introduction-africa_in_the_twenty-first_century_Strategic_and_development_challenges.

¹⁶⁹ United Nations. "World Population Prospects." United Nations, United Nations, 2022, population.un.org/wpp/.

¹⁷⁰ Naidu, S. "India's Engagements in Africa: Self-Interest or Mutual Partnership?" A New Scramble for Africa? Imperialism, Investment and Development, Durban: University of Kwa-Zulu Natal Press, Southall, R. and Melber, H. editors, 2010.

largest importer, trailing only China and United States¹⁷¹, although trade connections appear to be intensifying more in the future.

Below the most exported products to India in 2022.

Ethiopia Exports to India	Value	Year
Oil seed, oleagic fruits, grain, seed, fruits	\$42.83M	2022
Edible vegetables and certain roots and tubers	\$27.64M	2022
Pearls, precious stones, metals, coins	\$4.65M	2022
Machinery, nuclear reactors, boilers	\$4.48M	2022
Vegetable textile fibers not specified elsewhere, paper yarn, woven fabric	\$1.69M	2022
Coffee, tea, mate and spices	\$1.56M	2022
Paper and paperboard, articles of pulp, paper and board	\$1.50M	2022
Raw hides and skins (other than furskins) and leather	\$1.37M	2022
Residues, wastes of food industry, animal fodder	\$804.97K	2022
Cotton	\$760.59K	2022

Figure 7: Ethiopia exports to India

Source: <https://tradingeconomics.com/ethiopia/exports/india>

Land property in Ethiopia is a significant argument, as only the right of usufruct has been guaranteed since 1975, with no right to sell the land. As a result, all ownership of the property was transferred to the state, which professed itself to be the guardian against market forces. Opponents claim that this is simply a political act by the government, as it has the authority to confiscate the land of the original owner families. All of this has resulted in decreased agricultural development and productivity, as this system does not encourage production or productive efficiency.

Only 15 million hectares out of 73 million are planted in Ethiopia, with the majority being cultivated by small producers. The government intends to expand agricultural areas and encourages foreign investment by offering incentives, tax reductions, lower labor costs, access to underdeveloped or underutilized land, strategic position, market and export potential, and suitable climate conditions. The majority of India's investment is concentrated in the Gambella region.

¹⁷¹ Exim, Seair. "Ethiopia Imports Export - 2023 Trade Data." Seair Exim Solutions, 26 Oct. 2023, www.seair.co.in/blog/ethiopia-imports-export-2023-trade-data.aspx.

According to the Ethiopian Ministry of Agriculture (MOA), in 2015, foreign investors were allocated a total of 553,503 hectares of farmland in Ethiopia, with Indian investment accounting for 300,712 hectares. Karuturi Agro Products Plc, an Indian corporation, acquired the most land (111,700 hectares), followed by Saudi Star, a Saudi company. 89% of all agricultural projects reported to the Ethiopian Investment Agency (EIA) are for food production, with Indian companies focusing on oilseeds, pulses, cotton, rice, and floriculture.

According to Karuturi CEO Ramakrishna Karuturi, the company exports products regionally and internationally since he claims that selling in Ethiopia's domestic market is unprofitable. Despite Ethiopia's severe food security issues, the country provides several export incentives to stimulate the growing of cash crops. Furthermore, the Ethiopian government encourages foreign investors to export their crops rather than sell them locally, having implemented a 5-year tax-free export program.

Foreign enterprises do not contribute to food security since what is produced on Ethiopian land is sold elsewhere. Both human rights organizations and the local population have harshly criticized the government's policies. The Villagization Program was a critical initiative that involved relocating and clustering people in villages with better access to services and infrastructure. However, non-governmental organizations saw this as an attempt to force people out of their villages and away from their land in order to accommodate foreign investors.

Because all land in Ethiopia is state-owned, lands used for spiritual traditions are overlooked and labeled 'unused land' ready for sale. For example, when the Indian corporation Karuturi intended to rent a hill near its land to build offices, the locals protested, claiming that the hill held religious importance for them and needed to be preserved. The government ignored the residents, rented out the hill's area to the firm, and detained those who protested.

As a result, the Ethiopian government's declarations that selling inexpensive land to foreign investors will enhance the country's food security appears to be less believable, because it is foreigners, not Ethiopians, who benefit from these investments.

This case demonstrates once again that the host government plays an important role in land grabs. It is, in fact, the government's responsibility to foster initiatives of this nature without defending its residents' rights, as this will gradually sell beyond the territories also its credibility and its sovereignty, which will ultimately pass to foreign investors.

2.2 Land grabbing in South-East Asia: the case of Laos

2.2.1 General aspects

Laos is a small Southeast Asian country that borders Thailand, China, Myanmar, Cambodia, and Vietnam. It remains one of the world's least developed countries, second only Myanmar among ASEAN members. The Human Development Index (HDI) ranked it 139th out of 189 nations in 2017, indicating that, although being rich in raw materials, it is unable to achieve effective economic growth, in part due to its limited domestic market of only 7.5 million inhabitants. The Laotian economy just recently opened to the world; in fact, until 1986, the Laotian government controlled foreign trade in a variety of ways, including foreign exchange controls, import bans, and protective tariffs.¹⁷²

The government had a monopoly on both exports and imports until 1897, when a process of external trade liberalization began, and almost all limitations were lifted by 1988. Price liberalization, tax reform (financial reform), privatization of state-owned enterprises (soes), particularly agricultural collective businesses, and banking reform were among the economic reforms adopted in 1986¹⁷³. In 1997, Laos joined ASEAN¹⁷⁴, allowing it to play a role in global economics. Laos began removing import duties through the ASEAN-China Free Trade Agreement (ACFTA), and they were completely eliminated by 2015¹⁷⁵.

This economic liberalization process benefited Laos economically, but it also resulted in a significant trade deficit, as the country bought a great variety of commodities, ranging from food to apparel, with Thailand accounting for 60% of imports¹⁷⁶. The 1986 reforms benefited the private sector, particularly for international trade and foreign direct investment (FDI).

Regarding foreign direct investment, Laos enacted a law in 1988, which has been reviewed three times since then. The newest version has the following features: combining domestic investment law and foreign direct investment law into one to create a 'level playing field' for both domestic and foreign investors; shortening procedures to open new businesses; imposing no specified terms of investment for promoted activities; expanding investment incentives by including education and healthcare sectors as top priorities; allowing foreigners to access domestic financial sources; allowing foreign-invested enterprises to possess land for the

¹⁷² Kyophilavong, Phouphet, et al. "Impacts of Trade Liberalization with China and Chinese FDI on Laos: Evidence from the CGE Model." *Journal of Chinese Economic and Business Studies*, vol. 15, no. 3, 3 July 2017, pp. 215–228, <https://doi.org/10.1080/14765284.2017.1346923>.

¹⁷³ *Ibid.*

¹⁷⁴ ASEAN. "About ASEAN." Asean.org, 2020, asean.org/about-asean/.

¹⁷⁵ Leebouapao, Leebeer, et al. ASEAN-China Free Trade Area and the Competitiveness of Local Industries: A Case Study of Major Industries in the Lao People's Democratic Republic ADB Working Paper Series on Regional Economic Integration. 2012.

¹⁷⁶ Kyophilavong, Phouphet, et al. above on note 164.

purpose of establishing offices/residences (subject to certain requirements); allowing foreigners to invest in real estate; promoting the development of Special Economic Zones (SEZs) and Industrial Parks.¹⁷⁷

Since the 1990s, there has been significant foreign interest in the country, particularly in the mining and hydropower sectors, resulting in FDI. The table below shows the top ten foreign investors from 1989 to 2015. The top three, China, Thailand, and Vietnam, account for 60% of total foreign investment in Laos.¹⁷⁸

<i>Country</i>	<i>Value of Investment (US\$ mil.)</i>
China	5,484
Thailand	4,491
Vietnam	3,574
Malaysia	813
South Korea	751
France	491
Japan	438
Netherland	435
Norway	436
Britain	202

Figure 8: Top 10 FDI by Countries (1989-2015)

Source:ics.um.edu.my/img/files/IJCSV8N2/IJCS%20V8N3-7-FDI.pdf.

China has increased investment in Laos throughout the 2000s, surpassing Vietnam and Thailand to become the country's largest investor. Due to China's several capitals, limited available territory, and extensive foreign investments, the Chinese "conquest" of Laos has sparked a number of concerns condemning the practice of land grabbing in the nation. Laos is a country in need of investment, with abundant natural resources but poor institutions, high poverty rates, and confusing property laws. All of this makes it an ideal target for China, especially given its geographical proximity. In 2011, Chinese investors received 200000 hectares of agricultural land through a concession from the Lao government, which equals to 18% of the total area provided to investors in the country.¹⁷⁹

¹⁷⁷ *Ibid.*

¹⁷⁸ Kyophilavong, Phouphet, et al. "The Impact of Chinese FDI on Economy and Poverty of Lao PDR." *International Journal of China Studies*, vol. 8, no. 2, 2017, pp. 259–276, ics.um.edu.my/img/files/IJCSV8N2/IJCS%20V8N3-7-FDI.pdf.

¹⁷⁹ Lu, Juliet, and Oliver Schönweger. "Great Expectations: Chinese Investment in Laos and the Myth of Empty Land." *Territory, Politics, Governance*, vol. 7, no. 1, 14 Aug. 2017, pp. 61–78, <https://doi.org/10.1080/21622671.2017.1360195>.

Upon examining specific Chinese investment cases, it becomes visible that the land that the investors actually acquired was less than the amount that was agreed upon with the host state. This can be attributed to the fact that Laotian property laws are relatively new and ambiguous, making it challenging to put them into practice.¹⁸⁰

Because of its internal conflicts over regulatory authority, institutional disarray, and an intricate network of overlapping land uses and formal and informal claims to the territory and resources it controls, the State of Laos exhibits fragmented sovereignty.¹⁸¹ Nonetheless, these are the states that, like Laos, are in need of foreign investment and will not give up at nothing to reach negotiates with investors, for Laos with Chinese in particular.

It's interesting to note that the state's role in land grabbing in Laos gets a lot of focus because it grants land concessions to foreign investors. This tendency to become increasingly interconnected with China may be influenced by both political and economic factors. Analyzing foreign land acquisitions reveals the complex interactions that exist between elites, states, and local populations—the latter of which are rarely taken into account during the decision-making process.¹⁸²

It's also difficult to fully comprehend the motivations behind the large number of Chinese investors who move to Laos, other from the desire for financial gain and the reality that their own nation does not currently have many unoccupied areas where they can make investments. But it is never told which objectives they set for themselves in the area and how their project would affect the local communities.

Case studies of Chinese investors investing in bananas in Laos will be examined to gain a better understanding of the issue.

2.2.2 Chinese Investment in Banana Production in Northern Laos: the case of Long Fa Agricultural Company and Xie Guo Company

The case in question occurred in Long District, Luang Namtha Province. This analysis is primarily derived from the fieldwork conducted by Cecilie Friis and Jonas Østergaard Nielsen in 2014 and 2015. This because they are the only researchers who have closely and comprehensively examined the cases of these two companies, providing an optimal analysis.

¹⁸⁰ *Ibid.*

¹⁸¹ Dwyer, Michael Benjamin. "Territorial Affairs: Turning Battlefields into Marketplaces in Postwar Laos." Escholarship.org, 2011, escholarship.org/uc/item/67m1169x. Accessed 3 May 2024.

¹⁸² Lu, Juliet, and Oliver Schönweger. Above on note 171.

The District of Long, with its mountainous terrain and narrow river valley, is one of the province's poorest and least developed districts, inhabited primarily by minority ethnic groups who continue to cultivate hill rice itinerantly, which is increasingly being integrated with other commercial crops. The Mekong River forms the district's northwestern border with Myanmar, and the main highway connects the official border crossing with Myanmar to Sing District to the east. Sing District has long been regarded as the area's main commercial center and point of access to the Lao-Chinese border.¹⁸³

This analysis starts in the village of Ban Sirimoon, Long District. The village's 66 families are primarily from the minor ethnic group Samtao.¹⁸⁴ The locals mostly cultivate rice for livelihood, blending plains rice with hill rice. However, in the previous 5-10 years, agricultural marketing has seen a substantial increase with the introduction of crops such as corn, cassava, rubber, pumpkin, and sugarcane.

Domestic and foreign traders, primarily Chinese, as well as agricultural investment companies, have all contributed to the rising interest in commercial crop cultivation. This growing involvement in commercial crop production has resulted in a dramatic shift in villagers' agricultural and subsistence tactics, from mostly subsistence to more market-oriented output. Beginning in 2011, the villagers leased property to two Chinese investors working in the banana sector, which accelerated the agricultural transformation process¹⁸⁵.

Commercial banana farms started to emerge in Long District in 2008. In the autumn of 2014, the Long District Agricultural and Forestry Office (DAFO) updated the inventory of investors in the district's banana sector. Currently, this inventory comprises thirteen legally registered banana investors who own plantations of 820.75 hectares. The properties range in size from 16.63 hectares to 269.83 hectares, with individual lot sizes ranging from less than 1 hectare to 61.87 hectares¹⁸⁶.

Banana sprouts are normally productive for three seasons, ranging from 10 to 14 months depending on weather and water availability. However, several investors claimed that, if properly managed, bananas can be fruitful for four or even five seasons before needing to be replanted. The thirteen firms represent a diverse range of investors, including Chinese

¹⁸³ Friis, Cecilie, and Jonas Østergaard Nielsen. "Small-Scale Land Acquisitions, Large-Scale Implications: Exploring the Case of Chinese Banana Investments in Northern Laos." *Land Use Policy*, vol. 57, Nov. 2016, pp. 117–129, <https://doi.org/10.1016/j.landusepol.2016.05.028>. Accessed 3 May 2024.

¹⁸⁴ Friis, Cecilie, and Jonas Nielsen. "On the System. Boundary Choices, Implications, and Solutions in Telecoupling Land Use Change Research." *Sustainability*, vol. 9, no. 6, 7 June 2017, p. 974, <https://doi.org/10.3390/su9060974>.

¹⁸⁵ Friis, Cecilie, and Jonas Østergaard Nielsen. Above on note 183. 2016.

¹⁸⁶ *Ibid.*

entrepreneurs with extensive expertise dealing in forest products and local or new commercial crops. There are also collaborative partnerships involving Chinese and Laotian businesspeople, typically with family ties, Chinese investors with experience growing bananas in China, and large-scale rubber investors diversifying into new industries due to declining rubber yields¹⁸⁷.

Most banana investors stated that they negotiated and signed direct contracts with village officials or farmers. They did not pursue formal permissions and investment documentation from the district administration until after they had secured the land at the village level. Chinese banana investors cited the availability of sufficient land and favorable climatic conditions for banana plantations as the primary reason for their decision to relocate to Laos, which contrasts sharply with the situation in China¹⁸⁸.

The rising market demand and Chinese customers' desire for fresh fruit were also noted. All bananas are exported to China, and the process is typically facilitated by intermediary or specialized export organizations¹⁸⁹.

Several investors discussed the effects of their investments, comparing the conditions of the Lao and Chinese economies, claiming that rural areas in Laos require the type of economic investment and job prospects that their investment provides¹⁹⁰.

Regarding the environmental impacts and soil degradation associated with the establishment of banana plantations, some investors stated that, in comparison to heavy industrial pollution, the degradation caused by their banana plantations was negligible and easily reversible by converting production to another commercial crop¹⁹¹.

Ban Sirimoon has since 2010 become the target for two Chinese banana companies, the Long Fa Agricultural Company and the Xie Guo Company.

Long Fa Agricultural Company

The company has been investing in Laos since the end of 2010, and it now has the authority to cultivate and export bananas, as well as import inputs and work in Long District. One of the company's partners was entrusted with locating the best areas for subsequent cultivation, and he connected with various local villages and businessmen to negotiate with them and hire them

¹⁸⁷ *Ibid.*

¹⁸⁸ *Ibid.*

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.*

¹⁹¹ *Ibid.*

as middlemen. Then he recruited a local with family ties to seek for the best region and negotiate with the numerous village gatekeepers on the land that the corporation was interested in.

He was able to obtain land from nine separate communities, even when it was legally owned by a local, because he contracted with them. The Chinese investors were clever enough to engage locals to deal with the villages, enhancing their confidence and making negotiations simpler¹⁹².

The Long Fa Agricultural Company obtained 35 hectares of land households in Ban Sirimoon and an unknown number of households in surrounding villages¹⁹³.

Xie Guo Company

Ban Sirimoon's second major investment is Xie Guo Company, which serves as an intermediary for other Chinese investor companies. This company likewise recruited a local businessman to search for the best location to grow bananas, and they discovered an area close to that of the Long Fa Company. The local businessman recruited by the Xie Guo Company began negotiating with the landowners to obtain their land, just as the Long Fa Company had done. During the negotiations, various surveys were conducted among the people, and there were no disagreements, thus the investments appeared to be authorized. The residents of the neighboring village, on the other hand, had a heated disagreement with the Chinese investor, to the point where the firm abandoned the investment after just a year and sold the banana plantation to another Chinese investor, while remaining the legal owner. This caused significant uncertainty over the plantation's influence on adjacent villages and the district as a whole¹⁹⁴.

Xie Guo Company acquired a total of 70 hectares of land, 34 of which were located in Ban Sirimoon¹⁹⁵.

Intermediaries from both companies only bargained with the 19 families who owned fields in the target area¹⁹⁶. These families owned acres of land that was used to grow rice, cash-crop gardens or Fallow. There are various reasons that have led these families to accept the investors' proposal, first of all the fact that there was water shortage in the paddy rice fields even before

¹⁹² *Ibid.*

¹⁹³ Friis, Cecilie, and Jonas Østergaard Nielsen. Above on note 184. 2017.

¹⁹⁴ Friis, Cecilie, and Jonas Østergaard Nielsen. Above on note 183. 2016.

¹⁹⁵ *Ibid.*

¹⁹⁶ Friis, Cecilie, and Jonas Østergaard Nielsen. Above on note 184. 2017.

the plantations, and had created conflicts among the villagers as well as a reduction in rice production¹⁹⁷.

However, many families felt pressured to give in to the intermediaries' arguments. For example, they believed that with the plantations, thirteen families' paddy rice fields would face problems with chemical pollution and accessibility if they did not give up their land. In other situations of initial rejection, investors increased the price of the land to persuade individuals who opposed the offer. Other stories allege that families with rice fields in surrounding villages had their rice seedlings or rice huts destroyed during the plantation implementation process, and as a result, they consented to sell their lands to banana investors¹⁹⁸.

Only a few households were able to completely reject the company's demands, and they now have their paddy rice fields in the midst of banana plantations. Some of them were damaged as a result of the implementation of banana plantations, and despite protests to the authorities, they received only a minimal compensation from the Chinese corporation. Some farmers also cut down banana trees in response to losing access to their fields and the investor's failure to address their concerns¹⁹⁹.

It is critical to understand what happened to the land that has been converted into banana plantations, as well as the lives of the inhabitants, in order to comprehend how Chinese investments have altered the territory and lives of many people.

Soil degradation, caused by the use of chemical fertilizers, herbicides, and pesticides in plantations, is one of the most serious impacts identified by villagers. Some farmers protested that crops growing next to plantations had been harmed by chemicals, as well as that such widespread usage of chemical elements has a negative influence on air quality and the environment²⁰⁰.

Another source of concern for residents was the process of clearing plantations, which resulted in the removal of customary markers used by villagers to identify parcel boundaries, as well as the traditional rice irrigation system from rice paddy to small and closed canals. One of the residents' concerns was how they would obtain ownership of the territory once the Chinese investment was completed, as well as the situation in which the land would be found, given that it had been extensively exploited and chemicals were utilized. Those who did not bargain with

¹⁹⁷ *Ibid.*

¹⁹⁸ *Ibid.*

¹⁹⁹ Friis, Cecilie, and Jonas Østergaard Nielsen. Above on note 183. 2016.

²⁰⁰ *Ibid.*

investors were relieved, although their land may have suffered damage even if they retained the property²⁰¹.

Furthermore, the households that rented the property got \$15, which helped them financially, despite the fact that the future rice production would be difficult due to the damage. As a result, several families would have opted to renew the contract with Chinese investors rather than work on the now-destroyed land. Despite various objections, the families who earned without actually working saw a rise in income, partly because the rentals were larger than the profit they would have made selling the extra rice cultivated²⁰².

Finally, because rice output had typically declined and resulted in less revenue, individuals who relied on the Chinese enterprise could earn more, making banana cultivation in the villages essential for the community.

In addition to the benefits that some families have enjoyed, it should be taken into account the environmental degradation that this investment has entailed and the potential damage to the physical health of local inhabitants, as well as the damage to land that still remained rice fields. Probably, a higher economic income has persuaded the locals to accept this Chinese intervention at the expense of the ecosystem, and it is a practical example of how an act focused on profits (by Chinese companies) that almost forced entire families to give up their land in the end is viewed positively rather than negatively.

2.2.3 China-Lao Railway: a big change for the Asian country

To understand how a foreign country, in this example China, can have a significant financial and economic impact on a country, it will be analyzed the China-Laos railway project. This railway route was inaugurated on December 4, 2021, as part of China's Belt and Road Initiative (BRI), which intends to expand connectivity between Asia, Europe, Africa, and Latin America. ²⁰³Laos immediately welcomed the initiative, seeing it as a potential way to foster the country's economic and social growth.

Several initiatives have been launched with Lao supporting this project, including the hydroelectric power plant, the ground station, the new economic special zone in northern Laos,

²⁰¹ *Ibid.*

²⁰² *Ibid.*

²⁰³ Ermylina, Eva. "The Future Challenges of China-Lao Railway on Lao's Economic and Social Development." *Global Local Interactions: Journal of International Relations*, vol. 3, no. 1, 7 Apr. 2023, pp. 1–11, ejournal.umm.ac.id/index.php/GLI/article/view/24380.

and, of course, the megaproject Lao-China Railway²⁰⁴. This final project attempts to make Laos a connecting country on the Asian peninsula, as it borders several countries and might serve as a bridge for tourism and commerce.

The high-speed railway connects Vientiane, the Lao capital, with Kunming, China's Yunnan province. The railway from Vientiane to Boten is 414 kilometers long, while from Boten to Kunming is 595 kilometers²⁰⁵. 'Thanks' to China, Laotian inhabitants can now travel on high-speed trains, but despite the optimistic promises, it is vital to assess both the positive and negative aspects of the project after it has been implemented. It is critical to emphasize that such a significant shift in transportation infrastructure will have implications for long-term economic growth and social expansion.

The railroad fund is shared. The government of Laos contributes 30%, while Yunnan Construction and Investment Holding Group (YCIH) of China contributes 70%.²⁰⁶ The project began in 2016 while other nations were negotiating with China, making Laos the first ASEAN country to complete 'their' portion of the BRI with high-speed rail²⁰⁷. China provided the majority of the finances for this project, with a total investment of \$5.9 billion.²⁰⁸ Although Laos is required to contribute 30% of the total investment, the government has only utilized \$250 million, with the remainder (\$480 million) financed by a loan from the Chinese bank EXIM, which will have to be repaid over 35 years.²⁰⁹ Despite this massive financing, Laos consented to build the railway, partly because it is a country that requires significant infrastructure development and so it did not have numerous alternatives.

The government has been attempting to attract FDI in manufacturing for some years, but a lack of infrastructure, skilled workforce, and a corruption problem make the country unsuitable for attracting foreign capital.²¹⁰ China is currently Laos' main alternative, having significantly boosted FDI since the early 2000s and accounting for 80% of FDI in 2018.²¹¹ As a result, the

²⁰⁴ *Ibid.*

²⁰⁵ Medina, Ayman Falak. "The Completed China-Laos Railway." ASEAN Business News, 21 Dec. 2021, www.aseanbriefing.com/news/the-completed-china-laos-railway/.

²⁰⁶ Xinhua. "China-Laos Expressway under Construction in Vientiane, Laos | English.scio.gov.cn." English.scio.gov.cn, 8 July 2020, english.scio.gov.cn/m/beltandroad/2020-07/08/content_76249477.htm. Accessed 28 Apr. 2024.

²⁰⁷ Chheang, Vannarith. "2021/99 "BRI Projects in Cambodia and Laos Roll on despite Covid-19" by Vannarith Chheang." ISEAS-Yusof Ishak Institute, 27 July 2021, www.iseas.edu.sg/articles-commentaries/iseas-perspective/2021-99-bri-projects-in-cambodia-and-laos-roll-on-despite-covid-19-by-vannarith-chheang/.

²⁰⁸ Ermylina, Eva. Above on note 178.

²⁰⁹ The World Bank. *From Landlocked to Land-Linked*. The World Bank, 2020.

²¹⁰ Ermylina, Eva. Above on note 178.

²¹¹ *Ibid.*

massive railway project marks a historic turning point in Laos' economy and connections with the rest of Asia.

During the railway's first year of operation, the passenger ticket line is constantly crowded, so one must reserve the ticket a few days in advance to ensure a seat. Many tourists utilize the train to go around the country, reducing time and making travel options more convenient, hence increasing tourism. Many Thai tourists who travel by train visit the UNESCO World Heritage City Luang Prabang²¹², as do many Western tourists who want to try this new experience.

The railway has already increased Chinese tourist, and it is expected to continue increasing more.²¹³ The railroad also aided trade by providing shorter delivery times, which benefited trade links between Laos and China. Furthermore, the railroad reduces transportation expenses by 30-50%.²¹⁴ Export volumes from Laos to China climbed by 113% by the end of 2022, aligning with the World Bank's forecast of a 21% increase in national revenue.²¹⁵ In addition to benefiting the Lao market, the railway is expected to attract foreign investments and serve as a transportation bridge between different countries, making it an appealing destination for other foreign countries that already invest in Southeast Asia.

In fact, following the railway's opening, the company Asian Potash International Co. invested billions of yuan to develop a potash production facility in Laos, as well as an arrangement with the Lao-China Railway Company to carry the product by train²¹⁶. The rise in FDI will also result in additional job prospects for Laotian citizens; in fact, more than 110000 jobs have been created since the railway's inception, due in part to training on train driving, scheduling and maintenance, and railway operation²¹⁷. Language classes have also been developed to educate young talent for the tourism industry, which is expected to grow and require more people to speak English and Chinese.

As a result, the railway contributes to social and economic growth in a variety of ways, including making better education available in cities to individuals who previously lacked the

²¹² *Ibid.*

²¹³ Xinhua. "China-Laos Railway Puts Travel, Trade on Fast Track - China.org.cn." [Www.china.org.cn](http://www.china.org.cn), 3 Dec. 2022, www.china.org.cn/world/Off_the_Wire/2022-12/03/content_78549895.htm. Accessed 30 Apr. 2024.

²¹⁴ Andrew, Jonathan. "Reevaluating The Economic Benefits of The Lao People's Democratic Republic (Lao PDR)- People's Republic of China (PRC) High Speed Rail and Its Implication for Fiscal Stability of the Lao PDR." Asian Development Bank Institute. 2020.

²¹⁵ Ermylina, Eva. Above on note 178.

²¹⁶ Chen, Xiangming. "CORRIDOR-ISING" IMPACT along the BELT and ROAD: Is the "CORRIDOR-ISING" IMPACT along the BELT and ROAD: Is the Newly Operational China-Laos Railway a Game-Changer? Newly Operational China-Laos Railway a Game-Changer? 2022.

²¹⁷ Ermylina, Eva. Above on note 178.

means to access it.²¹⁸ All of this facilitates population mobility and contributes to the country's social growth.

On the other hand, some citizens suffered due of the construction of the railway, as the environmental damage it has brought to the mountainous and forest areas has harmed the lives of those who live in communities and rely on agricultural and natural resources as a source of livelihood.²¹⁹

During construction, no measures were taken to protect the environment or the villages, and pollution was consistent, particularly in locations such as the Houay Pamom Creek and Nam Lik River²²⁰. It has been claimed in the Vang Vieng district that the water has become murky and hazy as a result of tunnel building, and that many fish have died in the rivers as a result of chemical waste, caused by tunnels²²¹. Furthermore, because Laos has a big elephant population, their habitat has been occupied making it harder for the population to adjust.²²²

In addition to the environmental and elephant issues, the railroad has not benefited all Laotians, like the 4400 families that lost their land without receiving compensation.²²³ A value of 105000 kip per square meter was promised to people who would lose their houses and farms, but due to a list of priorities established by the Lao Ministry of Public Works and Transport, many citizens have yet to receive the promised funds.²²⁴ Those who have lost their farmland move into the deepest forest to settle, which leads to further destruction.

The China-Lao Railway has therefore aided Laos' economic and social development, but it has also caused damage as a result of poor project management.

Ultimately, Laos may face major financial troubles, as overall railroad investment equals more than 30% of Laos' annual GDP, and total debt owed to China is 45% of the former's GDP, which is extremely large and risky.²²⁵ The IMF has warned that this project places significant strain on Lao foreign debts and will continue to do so for an extended period of time.²²⁶ This could

²¹⁸ *Ibid.*

²¹⁹ *Ibid.*

²²⁰ *Ibid.*

²²¹ *Ibid.*

²²² Sims, Kearnin , and Chrisantha Pinto. "Can the Land of a Million Elephants Survive the Belt and Road?" TheDiplomat.com, 3 Jan. 2019, thediplomat.com/2019/01/can-the-land-of-a-million-elephants-survive-the-belt-and-road/.

²²³ Ermylina, Eva. Above on note 178.

²²⁴ *Ibid.*

²²⁵ *Ibid.*

²²⁶ *Ibid.*

push the country to become politically and financially dependent on China, resulting in a country controlled by China with less government autonomy.²²⁷

The instance of the China-Lao Railway demonstrates how a single, large investment can have such a significant impact on a country. Laos required structural investments in order to strengthen its economic and social development, therefore the government agreed to the project right away.

The drawback is that, as is often the case, an otherwise beneficial initiative is not effectively managed, both environmentally and socially. It is difficult to dispute whether environmental harm and village displacement could have been avoided, but obviously more might have been done by reducing pollution and reaching agreements with people in villages that were beneficial to all parties, including compensation and a new land to live on.

With regard to the massive debt owed to China, it would have been difficult for Laos to incur such an expenditure, even if it had waited for years, and as a result, there was the choice of preferring the railway event, despite the fact that it would be even more dependent on China. This is arguably the greatest option for the administration, which is struggling to run a country with several social and economic issues, and relying on China would have appeared to be the most convenient option.

2.3 Europe involvement in land grabbing

It is commonly known that several European Union countries, as well as those on other continents, engage in land grabs. However, it is referenced less frequently than other countries that have gained significant media attention, such as China, the Gulf States, South Korea, and India.²²⁸

Despite the fact that the EU, as an institution, claims to be the bearer of democracy, freedom, and human rights, this phenomena is accepted or not regulated in such a way that it is as limited as feasible.

It is particularly difficult to detect examples of land grabbing committed by European firms because many transactions take place in a murky region that is difficult to discern. For example, suppose a corporation buys goods from foreign companies, but these products are the result of

²²⁷ Vörös, Zoltán, and Pongkhao Somsack. "Laos and the Belt and Road Initiative : An Interconnector Helping the Chinese Needs?" *Foreign Policy Review*, vol. 13, 2020, pp. 24–38, <https://doi.org/10.47706/kkifpr.2020.13.24-38>.

²²⁸ Borrás, Saturnino, et al. "Land Grabbing and Human Rights: The Involvement of European Corporate and Financial Entities in Land Grabbing Outside the European Union." <https://www.europarl.europa.eu>, May 2016, [www.europarl.europa.eu/RegData/etudes/STUD/2016/578007/EXPO_STU\(2016\)578007_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578007/EXPO_STU(2016)578007_EN.pdf).

land grabs in villages.²²⁹ According to Land Matrix data, 909 acts of land grabbing were carried out by European firms in 2019, resulting in the acquisition of 29 million hectares of land.²³⁰ Outside of Europe, 23 million hectares are located in Africa, Asia, and Latin America.

²³¹According to Land Matrix data, the European countries with the highest rates of land grabbing include England, France, Italy, Spain, Portugal, Belgium, and Holland.²³²

Agriculture, livestock biofuel production, and forestry for carbon sequestration are among the sectors impacted by these land acquisitions. The agriculture industry, which includes both food crops and biofuels, is the most significant.²³³

2.3.1 How European actors implement land grabbing: five key mechanisms

It is difficult to determine which of the several ways European commercial and financial actors are involved in land grabbing, as this activity can be carried out by both private and state entities in more or less evident ways. It is impossible to say with precision how these business tactics endanger human rights, which can result in many companies being absolved of accountability. To gain a better understanding of how this phenomena occurs across various European players, five major mechanisms and actual situations will be examined.

1. European private companies engaged in land grabbing through various types of land deals

In this scenario, a European company with a headquarters or important economic activity in the EU is involved in land grabbing. It could be a financial institution or a firm that is funding a land acquisition, a corporation that is implementing a specific investment project abroad, or a major buyer of goods produced outside of the EU.

In certain circumstances, employees in charge of the practical aspects of these projects are based in the location where the project will be carried out, via a firm managed by the European corporation that organizes the numerous operations. The region in question could have been acquired by either the European firm or the subsidiary through purchase, lease, or concession²³⁴.

²²⁹ Borrás Jr., Saturnino M., et al. "Transnational Land Investment Web: Land Grabs, TNCs, and the Challenge of Global Governance." *Globalizations*, vol. 17, no. 4, 27 Sept. 2019, pp. 608–628, <https://doi.org/10.1080/14747731.2019.1669384>.

²³⁰ *Ibid.*

²³¹ *Ibid.*

²³² Borrás Jr., Saturnino M., et al. 2016. Above on note 209.

²³³ Borrás Jr., Saturnino M., et al. 2019. Above on note 210.

²³⁴ *Ibid.*

In the event of large-scale land grabbing, the seller is typically the project's host state, but for smaller areas, it could be a rural community or individual landowners.

One notable example is the Luxembourg-based agro-industrial group SOCFIN, which specializes in oil palm and rubber plantations. The Luxembourg-based company operates in a highly complex manner through investments and participations, with multiple firms in Luxembourg, Belgium, and Switzerland, as well as subsidiaries that manage plantations in several Sub-Saharan nations and South-East Asia.²³⁵

SOCFIN has expanded further in recent years, driven by high demand for palm oil for industrial food and biofuels, at the end of 2014 it had 181,000 hectares of plantations in Sub-Saharan Africa and Southeast Asia, a 20% increase from 2011.²³⁶

Although SOCFIN's operations are primarily funded by self-financing and commercial loans, it has received financial and technical assistance from Financial Development Institutions (DFIs) such as the World Bank Group's International Finance Corporation (IFC) and the German DEG. It also obtained technical and political support to increase his investments, some of which were supported by the European Commission.²³⁷

The company is a member of the RSPO (Roundtable on Sustainable Palm Oil) and promotes Corporate Social Responsibility (CSR) for its projects, but many NGOs regard this as a scheme because it has been accused of environmental damage and violations of human rights (including sexual harassment) in the territories it purchased.²³⁸

This is why since 2010 many NGOs have turned to the National Contact Points (NCP) under the OECD Guidelines for Multinational enterprises concerning the activities of the European company in Cameroon. Although there have been attempts to mediate with improvement plans, it seems that the company lacks cooperation and is not interested in solving the problems facing its workers and villages in its acquired territories²³⁹.

2. Finance capital EU companies involved in land grabbing

Financial corporations are varied and include institutions such as banks, brokerage firms, insurance, financial services, pension funds, hedge funds, investment firms, and venture capital

²³⁵ *Ibid.*

²³⁶ *Ibid.*

²³⁷ *Ibid.*

²³⁸ "La Lista Nera per Il Land Grabbing in Africa E Asia." Focsiv, 2 Oct. 2023, www.focsiv.it/la-lista-nera-per-laccaparramento-delle-terre-in-africa-e-asia/. Accessed 10 May 2024.

²³⁹ Borras Jr., Saturnino M., et al. 2019. Above on note 210.

funds. Since the start of the financial crisis and the rise in food prices in 2007-2008, financial capital companies have become more active in land transactions. This is because land became a target for financial capital investors looking for different investment opportunities, such as security against uncertain investment areas caused by the financial crisis.

Financial businesses are rarely evident in land grabbing instances because they may only be the backers of companies that are actively involved. In the event of land grabbing, the primary financial assets involved are private or governmental pension funds, which must follow the rules of their respective countries. The EU regulates private pension funds, ensuring that their funding does not infringe human rights in other countries and, if it does, that adequate remedies are provided.²⁴⁰

The Dutch private pension fund ABP, one of the largest in the world, is an example.

It was the subject of a land-grabbing dispute in Mozambique's Niassa Province, due to its shareholding in the Mozambican firm Chikweti Forests of Niassa. In 2005, this corporation purchased 45000 hectares of land in the province, which it later converted into pine and eucalyptus crops. This had a negative influence on the local inhabitants in the target area, notwithstanding the fund's participation in the 'Principles for Responsible Investment in Farmland'. Citizens were left without agricultural land and their forests were destroyed to make way for plantations.²⁴¹

Chikweti Forests announced 3,000 jobs in 2012 to better its condition, but only 900 were hired, with most of them being seasonal labor contracts based on harvest season. As a result, the workers were unable to occupy their fields at a period of increased activity, and they had to work long hours for low wages.²⁴²

To purchase land in Mozambique, the law provides peasant families the right of access and use of their land, therefore all acquisitions must be consulted with the community concerned, even if the firm has already obtained the concession from the state. But this did not happen. In 2010, the Mozambican government recognized that Chikweti was illegally occupying 32000 hectares that it had not properly acquired.²⁴³

Despite this, neither the corporation nor the government have taken action to stop these violations, and communities continue to protest about the project's negative impacts.

²⁴⁰ Borras Jr., Saturnino M., et al. 2016. Above on note 209.

²⁴¹ *Ibid.*

²⁴² *Ibid.*

²⁴³ *Ibid.*

3. Public-private partnerships and land grabbing

For the IMF:” Public-private partnerships (PPPs) combine the deployment of private sector capital and, sometimes, public sector capital to improve public services or the management of public sector assets. By focusing on public service outputs, they offer a more sophisticated and cost-effective approach to the management of risk by the public sector than is generally achieved by traditional input-based public sector procurement.”²⁴⁴

In the contest of land grabbing, private-public partnerships frequently involve collaboration with agencies or public funds that invest in investment funds or corporations that carry out land grabbing. In some circumstances, the public sector uses specific policy interventions to help private enterprises acquire land and engage in subsequent commercial activity.²⁴⁵

PPPs are portrayed as "win-win" situations, however they blur the lines between public and private players, resulting in overlapping responsibilities and functions.²⁴⁶ Public goods are considered market products, hence the public actor may be able to waive human rights commitments. The obligations in these circumstances are difficult to determine since the public actor may act in a way that alters the regulations, allowing the private actor to operate freely. This makes it extremely difficult for the people engaged to assert their rights, because even if the nations and entities involved in the PPPs are required to follow human rights legislation, there may be violations.²⁴⁷

The African Agricultural Trade and Investment Fund (AATIF), based in Luxembourg, serves as an example.

Chobe Agrivision Company Ltd., a subsidiary of Africa Agrivision, has made considerable land acquisitions in Zambia since 2009, thanks to an Investment Promotion and Protection Agreement with the Zambian government. By 2014, the company had acquired seven farms in Zambia totaling 16,916 hectares. However, these acquisitions have resulted in land-related conflicts, particularly in the Mkushi farm block.²⁴⁸

Despite promises to create 1,639 employment, Chobe employed only 165 people as of 2015, with many of these positions existing previously and others lost due to mechanization.²⁴⁹

²⁴⁴ IMF, “Public-Private Partnerships.” Sept. 2001, www.imf.org/external/pubs/ft/fandd/2001/09/gerrard.htm.

²⁴⁵ Borrás Jr., Saturnino M., et al. 2016. Above on note 203.

²⁴⁶ *Ibid.*

²⁴⁷ *Ibid.*

²⁴⁸ Borrás Jr., Saturnino M., et al. 2019. Above on note 210.

²⁴⁹ *Ibid.*

In August 2011, the African Agricultural Trade and Investment Fund (AATIF) invested \$10 million in Chobe Agrivision via Africa Agrivision. AATIF, formed by the German Ministry for Economic Cooperation and Development (BMZ) and Deutsche Bank AG, aims to boost African agricultural productivity. The fund now has a volume of \$141 million, with key shareholders including BMZ, KfW, Deutsche Bank, and religious institutions.²⁵⁰

4. EU Development Finance implicated in land grabs

Development Finance Institutions (DFIs) play an important role in land grabbing, especially as funders of land transactions and investment projects. These specialist development banks are primarily owned by national governments and aid in the implementation of foreign development and cooperation policies. However, transparency about the actions of DFIs is frequently limited, with information not easily accessible to the public.²⁵¹

DFIs invest their own capital and may supplement their financial resources by borrowing from national or international development funds, as well as private capital markets. They frequently have government guarantees to ensure their creditworthiness, allowing them to acquire significant amounts on international financial markets and issue loans or shares on competitive terms.²⁵²

DFI involvement in land transactions can take several forms, including lending loans to firms, individual investors, or specific projects; offering guarantees and investing as shareholders in initiatives. Despite having internal instructions and claiming to follow International Finance Corporation (IFC) performance requirements to avoid involvement in land grabs, numerous reported cases of land grabs and related human rights violations include European DFIs²⁵³.

Furthermore, DFIs are increasingly allocating funds to financial institutions as part of a policy that sees the private financial sector as a development player. Some European DFIs allocate a large amount of their portfolios to financial intermediaries, making it difficult to track the use of these funds and compounding accountability concerns. While DFIs are financial entities, their role as intermediaries between public and private actors, which is frequently owned and controlled by states, creates unique accountability problems.²⁵⁴

²⁵⁰ *Ibid.*

²⁵¹ Borrás Jr., Saturnino M., et al. 2016. Above on note 203.

²⁵² *Ibid.*

²⁵³ *Ibid.*

²⁵⁴ *Ibid.*

One important case is the one of DEG, the private-sector branch of the German Bank for Development.

The Paraguay Agricultural Corporation (PAYCO) has become a focal point in the debate over land grabbing and its human rights ramifications.

In 2013, DEG, a large German development financing institution, invested €25 million in Payco, acquiring a 15% share, while EuroAmerican financing S.A., based in Luxembourg, owns the remaining 85%. Despite developing an environmental and social plan with Payco to assess human rights risks, DEG has classified the plan as confidential under the investment agreement and refuses to reveal it.²⁵⁵

Payco, Paraguay's second-largest landowner, keeps 144,000 hectares of land, with a focus on grain, soy, and plantation wood production. The company, which employs 238 people, also raises cattle and manages a nature reserve on some of its land. Land conflicts between Payco and peasant and indigenous populations are common, frequently violent, and characterized by a substantial power disparity.²⁵⁶

There have been disagreements regarding Payco's land ownership, with charges of indiscriminate pesticide use causing health issues in nearby towns. Payco's actions in the Chaco are particularly troubling, as the region has the world's greatest rate of deforestation. Notably, one of Payco's farms, Timboty, makes a considerable contribution to the deforestation.²⁵⁷

Despite these controversies, Payco has announced ambitions to expand its operations.

5. Implementing EU policies to acquire control over land through the supply chain.

Many EU member countries engage in land grabbing, and there are concrete regulations that assist this, as well as the fact that the EU has direct influence over the behavior of the actors who apply these mechanisms.

Investment policies: Since 2009, international investment contracts have been completely the responsibility of the EU. Currently, the international investment system pushed by the EU and its Member States contributes to a climate that encourages land grabs. This, for example, occurs as a result of an imbalance in treatment between foreign investors and the local communities affected by their acts. The former have an advantage because treaties are generally one-sided,

²⁵⁵ Borrás Jr., Saturnino M., et al. 2019. Above on note 210.

²⁵⁶ *Ibid.*

²⁵⁷ *Ibid.*

and they are the only ones that can request protection under the treaty and file claims against states.²⁵⁸

Development policies: The purpose of the EU's development initiatives is to reduce and root out poverty, and this should be central to any policies aimed at providing genuine assistance. In recent years, the EU has taken a more private-sector-focused development approach, believing that private-sector participation and funding are critical to implementing European aid and development programs. However, these alliances come with a number of hazards, particularly when there are conflicts of interest that could jeopardize the project's viability.²⁵⁹

The firms that are a part of it aim to carry out measures that will be beneficial for them, at the expense of the ethical purpose and the people who should benefit. They frequently end up exacerbating the issues they were supposed to address, such as the liberalization of land and seed markets, food commodification, and agro-industry promotion.²⁶⁰ These tactics have been heavily condemned, since European investors sought to establish large-scale plantations in countries with cheap labor force while doing nothing meaningful to support the economic development of local populations. Because of this, disputes have been developed on the property between investors; as previously stated, the land has become today even more a valuable asset, and many want to benefit.

Bioenergy policies and the EU Renewable Energy Directive (RED): RED is committed to reducing the greenhouse effect by utilizing renewable energy sources such as agrofuels. As a result, this directive supports global production of biofuels and bioliquids, and an increasing number of enterprises are investing in them²⁶¹. In this way, however, land grabbing has been aggressively promoted, as firms go, particularly to Africa, in search of land to cultivate oilseed crops for agrofuels. Not only European firms are doing this, but also financial investors are promoting land acquisition.

Among the various criticisms made to the EU for this reason, one of the biggest is the one made by civil society organizations (csos), which have highlighted several times that there is a close connection between land grabbing, human rights violations, and European policies for biofuels that encourage foreign investment. They request that the EU omit bioenergy from the future European renewable energy directive in order to avoid encouraging land grabs and the associated problems.²⁶²

²⁵⁸ Borrás Jr., Saturnino M., et al. 2016. Above on note 203.

²⁵⁹ *Ibid.*

²⁶⁰ *Ibid.*

²⁶¹ *Ibid.*

²⁶² *Ibid.*

Despite this, since the introduction of RED in 2010, European states have failed to ensure that biofuel policies do not have a harmful impact on the environment or human rights.

Trade policies, notably the EU's Everything But Arms Initiative (EBA): the most recent European investment and trade strategy, often known as "Trade for All. Towards a more responsible trade and investment policy". It states that one of the EU's aims is "to ensure that economic growth goes hand in hand with social justice, respect for human rights, high labour and environmental standards, and health and safety protection"²⁶³.

However, there are no processes in place to supervise and monitor these agreements to determine what negative consequences may arise in the areas where investments are made.

The EU's Everything But Arms Initiative (EBA), launched in 2001, is a prime example of how trade policies can lead to land grabs. The declared purpose was to benefit the world's least developed countries by providing duty-free and quota-free access to the European market. One example is the full liberalization of the sugar market in 2009, which was facilitated in part by the EU's higher minimum sugar price than the worldwide market²⁶⁴. Despite the favorable foundations, the EBA has resulted in land grabs and human rights violations in some countries, including Cambodia.

The massive investments made to produce sugar resulted in the acquisition of 100,000 hectares of land by 2015, with 100% of production shipped to the EU beginning in 2012²⁶⁵. Despite this, the European Commission refused to study the impact of these investments on local populations, therefore national and international civil society organizations stepped in to conduct their own assessments. They identified several human rights breaches, including the loss of water and land, the incarceration of human rights defenders, and forced evictions.²⁶⁶

In 2013, aggrieved villages filed a complaint against Tate & Lyle Sugars, a UK-based firm, at the United Kingdom High Court of Justice. Only in 2019 the European Commission approved a formal examine into human rights violations on sugar cane production lands.²⁶⁷

Thailand-based sugar transnational corporations (tncs) and Cambodian elites, who want ever-increasing profits without regard for the rights of their population, are also significant players in the sugar industry.²⁶⁸

²⁶³ Borrás Jr., Saturnino M., et al. 2019. Above on note 210.

²⁶⁴ *Ibid.*

²⁶⁵ *Ibid.*

²⁶⁶ *Ibid.*

²⁶⁷ *Ibid.*

²⁶⁸ *Ibid.*

This example demonstrates the EU's lack of transparency and clarity on its true aims, as it appears that they theoretically create and implement regulations targeted at assisting least developed countries in entering global markets. In practice, however, neocolonization is supported by the very institutions that claim to be the protectors of human rights above all else.

2.3.1 Land grabbing by European companies

Tozzi Green JTF

On October 13, 2023, a complaint was filed against an Italian corporation, Tozzi Green, alleging that it was land grabbing. This action was initiated on behalf of three peasant organizations, which represent at least 100,000 people who could be affected by the multinational's agrobusiness activities.²⁶⁹

Tozzi Green leased 7,000 hectares of land in Madagascar in 2012 and another 4,000 hectares in 2018 through its subsidiary JTF Madagascar (Jatropha Technology Farm Madagascar) under two 30-year contracts with the Malagasy government. Tozzi Green cultivated jatropha, corn, and geranium on these fields, which had previously been used as pastures for zebu under traditional land rights.²⁷⁰

To finance these operations, Tozzi Green JTF acquired loans totaling EUR 7.5 million from two state-owned development banks: the Finnish FINNFUND and the Belgian BIO. Local communities and civil society organizations have criticized Tozzi Green's land and monoculture acquisition efforts.²⁷¹

The application is based on OECD standards for firms, which promote respect for human rights and the environment, as well as diligent due diligence to mitigate the harmful effects of their activities. However, while these rules are not legally binding, the purpose of this petition is to emphasize Tozzi Green JTF's duties and to create a dialogue between the multinational and the impacted local populations.²⁷²

²⁶⁹ Isonio, Emanuele. "Madagascar, Multinazionale Italiana Accusata Di Landgrabbing." Re Soil Foundation, 14 Nov. 2023, resoilfoundation.org/inchieste/madagascar-multinazionale-italia-land-grabbing/. Accessed 13 May 2024.

²⁷⁰ *Ibid.*

²⁷¹ *Ibid.*

²⁷² *Ibid.*

This scenario is not different from previously examined land grabbing incidents carried out by Asian countries: foreign businesses engage in Africa just for the purpose of profit, without regard for the effects for local people or the environment. The host state is also absent in this situation, and people have turned to the OECD in order to stop the Italian corporation. It will take months to find out what will happen and whether Tozzi Green will face the consequences of its conduct, but it is tough to picture a pleasant ending for the Malagasy.

Loro Piana

Loro Piana is an Italian company that has been part of the huge LVMH group since 2013, with 80% ownership²⁷³. Its wool, cashmere, and vicuña items are highly valued, with cardigans reaching \$10,000 and winter coats \$35,000.²⁷⁴ Vicuña wool, considered the most precious in the world, comes from the Peruvian Andes, where these animals live at an altitude from 3200 meters, making it delicate and refined in a unique way²⁷⁵.

The company has been working in Peru for years, collaborating with indigenous tribes in the Lucanas community, but there appears to be exploitation and land theft. The issue became public after Bloomberg News released an investigation on it, which included interviews with Peruvian people involved and documentation of the global company's operations.²⁷⁶

In 1969, the market for vicuña wool was forbidden. However, an international agreement was negotiated to restore a legitimate market for vicuña fiber, ensuring that the cash generated by vicuñas would support Indigenous Andean communities, who have historically experienced challenging circumstances. The community of Lucanas was the first to shear vicuña with this approach, and Loro Piana was only buyer from the start.²⁷⁷

However, trade has done little to help the villages, which still have 2700 people living in poverty, with mud homes and buildings, minimal wages from agriculture, and exodus of young people seeking a better life in cities.²⁷⁸

²⁷³ Bennewitz, Sara . “Lvmh Rileva Anche Loro Piana:due Miliardi per l’80% Delle Quote.” La Repubblica, 8 July 2013, www.repubblica.it/economia/finanza/2013/07/08/news/lvmh_rileva_oro_piana-62627567/. Accessed 14 May 2024.

²⁷⁴ Bloomberg. “Inside Peru’s Secret Luxury Supply Chain.” www.bloomberg.com, 13 Mar. 2024, www.bloomberg.com/news/videos/2024-03-13/inside-peru-s-secret-luxury-supply-chain-video. Accessed 14 May 2024.

²⁷⁵ Toosh. “Vicuña, Storia Del Tessuto Più Pregiato | Vigogna.” Toosh, www.toosh.it/it/content/8-vigogna-storia-del-tessuto#:~:text=Che%20animale%20C3%A8%20la%20vigogna. Accessed 14 May 2024.

²⁷⁶ Rochabrun, Marcelo . “Loro Piana’s \$9,000 Sweaters Rely on Unpaid Farmers in Peru.” [Bloomberg.com](http://www.bloomberg.com), Mar. 2024, www.bloomberg.com/features/2024-lvmh-oro-piana-vicuana-sweater-labor/.

²⁷⁷ *Ibid.*

²⁷⁸ *Ibid.*

Peru contains about half of the world's vicuña population, with 200000 specimens, and rising demand has led to price increases.²⁷⁹ While the price of completed items rose, the rate paid to indigenous Peruvians for raw fiber fell by 36%, aggravating their plight.²⁸⁰

Although 80% of villagers feel they have not profited from the commerce established with Loro Piana, the corporation claims to be committed to the highest ethical standards and obligations, benefiting indigenous peoples especially by increasing the demand for vicuña wool. This does not seem to be true, because the indigenous people are claiming to earn more from tourism than from selling wool to Loro Piana. Solutions would be required to help indigenous communities to manage wool sales more independently, allowing them to create clothes without being forced to sell only to Loro Piana. Indigenous peoples do not wear garments made from vicuña wool, despite their role in facilitating the trade.

Herding wild vicuña at high altitudes requires strenuous labor and delicate shearing techniques to prevent wool spoilage. These tough and necessary jobs should be compensated differently, because Loro Piana would be without its precious wool if qualified people who know the territory were not present.

In the 1990s, the Peruvian government sought to establish a ten-year monopoly on the Vicuña market by attracting overseas investors, with Loro Piana becoming the primary investor. In 1994, President Fujimori witnessed the legal shearing of vicuñas in Lucanas, Peru, for the first time in decades. In 1995, Peru awarded indigenous groups the sole rights to cut and sell Vicuña fibers inside their boundaries. In 2000, Fujimori issued a decree that granted businessmen the same rights as peasant communities to cut vicuña on their property.²⁸¹

Loro Piana, in particular, invested on land in Lucanas, purchasing 4,942 acres for \$160,000. The proposal was to build a 12.5 km fence around the land to contain vicuñas and increase the population by 50% compared to the previous year.²⁸²

Loro Piana was the first company to receive approval to use vicuña fiber without paying indigenous populations, despite this practice being considered controversial, as it would put the vicuña in a state of semi-captivity.²⁸³

²⁷⁹ *Ibid.*

²⁸⁰ Il Fatto Quotidiano. Bloomberg: “Loro Piana Sfrutta I Lavoratori Indigeni Peruviani Che Tosano Le Vigogne. E Con Quella Lana Produce Maglioni Da 9mila Dollari.” 17 Mar. 2024, www.ilfattoquotidiano.it/2024/03/17/bloomberg-loro-piana-sfrutta-i-lavoratori-indigeni-peruviani-che-tosano-le-vigogne-e-con-quella-lana-produce-maglioni-da-9mila-dollari/7482334/. Accessed 14 May 2024.

²⁸¹ Rochabrun, Marcelo. Above on note 227.

²⁸² Il Post. L’inchiesta Su Come Loro Piana Si Rifornisce Della Sua Lana Più Pregiata. 18 Mar. 2024, www.ilpost.it/2024/03/18/loro-piana-lana-vigogna-bloomberg/. Accessed 14 May 2024.

²⁸³ *Ibid.*

Loro Piana's actions increased the population of Vicuña. However, fiber prices in Lucanas decreased from \$ 420 per kilo in 2012 to \$ 330 in 2022.²⁸⁴ Production also decreased, with the community selling only 460 kilos in 2022, compared to 1,877 kilos in 2012. As a result, Vicuña's village revenues have decreased by approximately 80%, from 788.526 to 151.974 dollars.²⁸⁵ The price per kilo for vicuña wool has risen to 280\$ by 2023, which does not benefit indigenous populations economically.²⁸⁶

In March 2024, in addition to the Bloomberg investigation, American legislator Robert Garcia raised the issue, writing to Antoine Arnault and Damien Bertrand (chairman and CEO of Loro Piana) to inquire about the working and living conditions of indigenous peoples living in the territory acquired by the company.²⁸⁷ Because of the numerous negative comments, Loro Piana's social profiles remained inactive for a few days. The corporation reacted to the accusation by stating that: "For three decades now we have been working to preserve vicuña, increasing in recent years investments in irrigation, education and health infrastructure in Peru. Our commitment is to dedicate more resources to benefit people in the future."²⁸⁸

It is difficult to believe the firm's statements after the investigation, especially since in all of the situations reviewed at this point, it is more common for the accused company to claim to be correct rather than admitting the errors it made. This case exposed a dark side of haute couture, where it was common to believe that paying \$ 9000 on a sweater would not contribute to the impoverishment of indigenous peoples and that all human rights were preserved. The quality of raw materials does not imply that the company that manufactures and sells the goods is not harming the environment or the people involved, and it is critical that consumers become more vigilant when purchasing fashion garments, because there are more sustainable ways to buy clothing today, and the internet allows you to learn about the ethics of companies (if what they write and claim is true).

Benetton in Patagonia

²⁸⁴ *Ibid.*

²⁸⁵ Rochabrun, Marcelo. Above on note 227.

²⁸⁶ *Il Post*. Above on note 230.

²⁸⁷ Fashion Magazine. "ACCUSE DI SFRUTTAMENTO DEI LAVORATORI ANDINI: Il "Caso Vicuña" Scuote Loro Piana. L'azienda: "Impegnati a Sostenere Le Comunità." Wwww.fashionmagazine.it, 20 Mar. 2024, www.fashionmagazine.it/business/il-caso-degli-allevatori-di-vicue-bufer-social-su-loro-piana.-lazienda-noi-dalla-parte-delle-popolazioni-andine-113346. Accessed 14 May 2024.

²⁸⁸ *Ibid.*

The Benetton family's conquest of Patagonia began in the early 1990s, when Benetton paid \$50 million for control of the CTSA through the holding company Edizione Real Estate, becoming the country's largest landowner with 900 thousand hectares of land, 884 thousand of which were in Patagonia. Then, in 1994, President Carlos Menem sold these properties to Benetton at a derisory price.²⁸⁹

The majority of this area is ancestral territory for the Argentine Mapuche Indigenous people, who have been displaced from their customary villages, although some have been engaged by the corporation as workers.²⁹⁰

Benetton's land is used to raise 260,000 head of animals, primarily sheep and rams, which produce around 1.3 million kg of wool per year, that is then shipped to Europe. Furthermore, 16,000 cattle are grown for slaughter on the same property.²⁹¹

The Mapuche people demand the return of their ancestral lands and denounce the Argentine government's failure to preserve them as mandated by the Constitution. They argue that the government's approach to the land struggle, which portrays Mapuche communities as violent terrorists, is a misrepresentation of reality.

The Argentine government provides Benetton with subsidies to help it achieve its investment plan, which includes reforestation programs, particularly pine (approximately 400 hectares per year). The corporation also executes a policy that promotes work discrimination against Mapuche people. Relations with local residents have increasingly deteriorated as a result of evictions and the conversion of ancestral properties into common property, which is a source of profit for the firm.²⁹²

In 2003, the Mapuche Curiñanco family was brutally evicted from the Santa Rosa Estate, marking a watershed moment in the confrontation between Benetton and the Mapuche people.²⁹³

The Santa Rosa Leleque group decided to reclaim its historic territory in 2007, and for years, they were subjected to repeated and violent evacuation attempts. Finally, in 2014, the National Institute of Indigenous Affairs (INAI) recognized the Mapuche's territorial rights. On March

²⁸⁹ FarodiRoma. "I Benetton E La Cacciata Dei Mapuche Dalle Loro Terre. Una Storia Argentina." FarodiRoma, 18 Aug. 2018, www.farodroma.it/i-benetton-e-la-cacciata-dei-mapuche-dalle-loro-terre-una-storia-argentina/. Accessed 14 May 2024.

²⁹⁰ Venturi Ferriolo, Massimo. "Un Assordante Silenzio: La Questione Mapuche vs Benetton." VOLERE LA LUNA, 22 Mar. 2019, volerelaluna.it/territori/2019/03/22/un-assordante-silenzio-la-questione-mapuche-vs-benetton/. Accessed 14 May 2024.

²⁹¹ FarodiRoma. Above on note 240.

²⁹² Venturi Ferriolo, Massimo. Above on note 241.

²⁹³ *Ibid.*

13, 2015, several families began the "recovery" of further ancestral territories taken from them by Benetton.²⁹⁴

On August 1, 2017, a peaceful march against Benetton resulted in the disappearance of Santiago Maldonado, a Mapuche rights defender, and about three months later his body was found.²⁹⁵

The Mapuche battles continue, and in 2019 they seized a farm owned by the Benetton Group in Patagonia. The Indigenous people entered an area of the 'El Maitén' land and claimed "ancestral rights".²⁹⁶

The 'Compañía tierras del sur' farm, owned by the Benetton Group, is at the focus of a territorial dispute. The Mapuche community claimed in a statement that this action marked the start of their "territorial recovery process of the El Platero sector". They highlighted that this shift was necessary "to maintain their existence as Mapuche people in their ancestral territory".²⁹⁷

The 'Compañía Tierras del Sur' filed a complaint with the local police on the occupation. They also issued a statement describing the "new illegal occupation of their property". According to local sources reported by the Clarin daily, the occupation was carried out by people wearing masks and carrying knives. The scope of the occupation is unknown, although estimates imply that between one thousand and two thousand hectares of the El Platero region, which is part of the farm's 120,000 acre area, have been occupied.²⁹⁸

The fact that the Mapuche people continue to protest in different ways in order to try to claim their rights is an example of determination against those who would prefer to see them in silence. It is not unexpected that the Argentine government does not respond to this, letting its citizens to react autonomously to Benetton's land grab.

Zara and H&M

Zara and H&M, the leading fast fashion corporations, have been accused of creating widespread damage in Brazilian territory where their cotton plantations are located, including land grabbing, corruption, and acts of violence on the estates. The accusation was made by the British NGO Earthside, which claims to have traced 816,000 tons of cotton coming directly

²⁹⁴ FarodiRoma. Above on note 240.

²⁹⁵ Venturi Ferriolo, Massimo. Above on note 241.

²⁹⁶ Il Fatto Quotidiano. "Argentina, Gli Indios Mapuche Occupano Una Proprietà Dei Benetton: "Vogliamo Esistere Nel Nostro Territorio, è Un Diritto Ancestrale."" Il Fatto Quotidiano, 27 Dec. 2019, www.ilfattoquotidiano.it/2019/12/27/argentina-gli-indios-mapuche-occupano-una-proprietà-dei-benetton-vogliamo-esistere-nel-nostro-territorio-e-un-diritto-ancestrale/5639994/. Accessed 14 May 2024.

²⁹⁷ *Ibid.*

²⁹⁸ *Ibid.*

from Brazil, in the 'Cerrado' region, a huge Brazilian tropical savanna known for its ecosystem. This area suffers from GMO soy and cotton farming, which has resulted in 40% deforestation.²⁹⁹

The cotton is subsequently transported to Asian manufacturing businesses, which make clothing for big fast fashion brands. Zara and H&M have recently begun offering items with environmental certifications that ensure environmental and human respect as customer knowledge of environmental and sustainability issues has grown. As a result, they have signed up for an ethical supply chain certification with Better Cotton, the world's largest cotton certifying organization.³⁰⁰

They also profess a continual commitment to sustainability, which may easily be disproven based on the price of a "sustainable" cotton T-shirt, which costs €9.99. Aside from the firms' greenwashing, the Better Cotton certification bears some responsibility.

Aside from the fact that serious and thorough checks were most likely not conducted, this accreditation only applies to ongoing activity. As a result, lands gained years ago and currently being utilized are not included. This is common in cases of sustainable palm oil certification, such as those utilized by the Italian company Ferrero.³⁰¹

In addition to deforestation, there is water grabbing. Agricultural firms in the Cerrado region utilize two billion liters of water each day, causing droughts in rivers and harming local inhabitants. The NGO uncovered that Zara and H&M acquire cotton from two Brazilian companies, SLC Agrícola and Grupo Horita, owned by affluent Brazilian families. These companies have faced numerous complaints and suspicions of corruption and deforestation in the Cerrado. In addition to deforestation, pesticides are often utilized in cotton plantations, which harms the cotton itself.³⁰²

Most people were not surprised by this media "scandal" because it was impossible to believe that fast fashion businesses, which waste raw resources, pollute, and violate workers' human rights, would genuinely contribute to environmental and local community concerns. Their now-exposed greenwashing is unlikely to have a big impact on profits because, on average, consumers who purchase from these firms lack an environmental and social morality.

²⁹⁹ Radio Popolare. "Land Grabbing, Deforestazione E Sfruttamento in Brasile, H&M E Zara Sotto Accusa." Radio Popolare, 12 Apr. 2024, www.radiopopolare.it/land-grabbing-deforestazione-e-sfruttamento-in-brasile-hm-e-zara-sotto-accusa/. Accessed 15 May 2024.

³⁰⁰ Euronews. "Is Your Favourite Clothing Brand Selling "Tainted" Cotton from Brazil?" Euronews, Euronews.com, 11 Apr. 2024, www.euronews.com/green/2024/04/11/zara-hm-the-european-retail-giants-tied-to-land-grabbing-and-deforestation-in-brazil.

³⁰¹ Radio Popolare. Above on note 250.

³⁰² Euronews. Above on note 251.

These are only a few examples of European firms' land grabs. the violation of human rights by companies in the European Union, an institution that claims to protect the rights of all individuals, demonstrates a lack of serious policies that could effectively limit these actions. The fact that such policies are not being enacted casts question on whether this issue is truly important to people in power, especially if profits continue to rise. Furthermore, the fact that European institutions occasionally fund corporations involved in land grabbing complicates the situation.

2.4 The United States: one of the biggest land grabber

For many years, the United States has regularly ranked among the top five countries in terms of land grabs, despite the fact that the media has increasingly concentrated on its main opponent, China. According to the Land Matrix database, the United States presently owns 8,411,745 hectares of land classified as grabbed, with nearly half of that in Latin America³⁰³. Crops, cattle, and mineral resources are the three major sectors in which American land grabbing corporations invest.

Europeans took areas from indigenous peoples that lived there, either by exterminating them or forcing them to live in narrow territories with minimal liberties. The country grew in political and economic importance over time, and in the nineteenth century, it launched a foreign strategy to influence as many countries as possible in order to gain an edge, beginning with the Monroe Doctrine in 1823.³⁰⁴ This concept advocated that the United States should have supremacy across the entire continent. One of its goals was to engage in the politics of Latin American countries during their independence, including military invasions. This theory also served to preserve American independence, avoiding it from bowing to European powers and to prevent them from interfering with the actions of other governments that had previously earned independence from the colonies.³⁰⁵

During the nineteenth century, however, the United States was unable to prevent European powers from acting in other American states. Their political and economic strength emerged in the twentieth century. During this century, Americans became involved in a variety of political

³⁰³ “Map - LAND MATRIX.” Landmatrix.org, 2019, landmatrix.org/map/.

³⁰⁴ Fonzo, Erminio . “Cos’è La Dottrina Monroe E Come Si Stabili La Supremazia Degli USA in America Latina.” Geopop, 17 Aug. 2022, www.geopop.it/cose-la-dottrina-monroe-e-come-stabili-la-supremazia-degli-usa-in-america-latina/. Accessed 15 May 2024.

³⁰⁵ *Ibid.*

and economic matters in Latin America, particularly during the Cold War, with the pretense of destroying the red enemy: communism. The United States created dictatorships, fostered radical political characters to support American goals, and began to extensively invest abroad, favoring countries with greater political instability because they were simpler to control.

The United States is currently seizing land in several countries, and, despite objections, there appears to be not an end in sight.

2.4.1 The case of Chevron company in Ecuador: one of the biggest land grab in history

The case of the American oil corporation Chevron is one of the most contentious, both because of the company's size and its history began in the 1960s, and the ramifications of his actions are still being felt today.

This case happened in Ecuador's Amazonian region, known as Oriente, and includes Orellana and Sucumbíos provinces. This region covers over half of the country, totaling 130,000 square kilometers³⁰⁶. It is located in northeastern Ecuador, bordering Peru to the east and Colombia to the north.³⁰⁷

The oil firm extracted crude oil and gas over more than 450,000 hectares of land, severely damaging the environment and causing property damage between 1964 and 1990. In addition to building open pits for toxic waste next to more than twenty production stations, the corporation dug more than 350 oil wells. They burned 235 billion cubic meters of gas, extracted 5.3 billion liters of oil, and spilled and disposed of 650,000 barrels of oil and 70 billion liters of hazardous water into nearby watercourses and the forest³⁰⁸.

The fact that the Ecuadorian government mostly backed these acts shows that local governments have the primary responsibility for land grabs and the ensuing problems. Understanding the manipulation of politics that goes into such massive economic endeavors is further aided by this case.

Beginning in the mid-1960s, the oil sector dominated Orellana and Sucumbíos provinces, resulting in extensive Amazon colonization. This practice was officially sponsored and

³⁰⁶ Durán-López, María Elisa. *Indígenas Amazónicos Ecuatorianos versus Chevron: La Lucha de La Dignidad Por La Vida versus El Derrame de La Selva. II Coloquio Internacional sobre Diversidad Cultural y Estudios Regionales*At: San Ramón, Costa Rica, Oct. 2012.

³⁰⁷ Stocchiero, Andrea . "I Padroni Della Terra. Rapporto Sul Land Grabbing." FOCSIV - Volontari Nel Mondo, 2018, www.focsiv.it/wp-content/uploads/2018/06/i-patroni-della-terra_OK2.pdf. Accessed 17 May 2024.

³⁰⁸ *Ibid.*

encouraged beginning in 1978 by the Ley de Colonización de la Región Amazónica³⁰⁹, which promoted extractive operations and the use of natural resources in the area.

Orellana depends on main sectors such as oil, forestry, and agriculture. Coca has been the provincial capital since 1999, and the city has grown rapidly as a result of the oil boom. The Vía Auca, a road created in the 1980s to assist oil field activities, starts in this small village.³¹⁰ Despite environmentalist opposition, the land continues to be heavily colonized, with drilling operations encroaching on the rainforest.

In the early twentieth century, the Ecuadorian government saw the Amazonian region as uncultivated country inhabited by "savages," and considered it an area to be absorbed into Ecuadorian culture. This mindset, combined with the 1978 Ley de Colonización, led to the loss of 5,200,000 hectares of indigenous traditional lands in under two decades³¹¹.

To expedite and promote land acquisition, natural resource exploitation, and the recruitment of cheap labor, the state and oil firms predominantly relied on religious missionaries.

Ecuador became heavily dependent on foreign aid both culturally and economically when the American Protestant missionary group Instituto Lingüístico de Verano (ILV) entered the country with the intention of converting and educating the native population. In order to make it easier to navigate through the jungle, they constructed radio stations and airstrips. They also worked closely with oil firms like Texaco starting in the 1960s. Their objective was to assist geologists logistically while clearing native lands for oil production.³¹²

As a result, indigenous tribes experienced extreme poverty and became dependent on the market economy, upending traditional ways of life with the arrival of items like canned meat and clothes. The influx of cash solidified this reliance even more, as numerous native individuals assumed jobs as workers and guides. The need for Amazonian oil drove these measures, which attempted to undermine indigenous culture and advance Western capitalism.

Chevron-Texaco caused one of the biggest environmental disasters in the history of the oil business during a 26-year period, contaminated the northern Amazon region of Ecuador, and took over indigenous territories.³¹³

These extraction operations cause oil to keep rising to the surface, which contaminates the soil, pollutes rivers and has a negative impact on the local flora, wildlife, and human population. Many people's lives have been negatively impacted by the multinational's oil exploration and

³⁰⁹ Durán-López, María Elisa. Above on note 287.

³¹⁰ Stocchiero, Andrea. Above on note 288.

³¹¹ *Ibid.*

³¹² *Ibid.*

³¹³ ChevronToxico | the Campaign for Justice in Ecuador. chevrontoxico.com/.

extraction activities, mostly those of indigenous communities. While the Siekopai, A'I Kofan, and Waorani have been moved, populations like the Tetetes and Sansahuari have disappeared.³¹⁴ Furthermore, because of continuous extraction activities, Ecuador's highest cancer rates are found in the provinces of Orellana and Sucumbíos. Local farmers have also suffered economically as a result, losing cattle and leaving their farms fallow.³¹⁵ The business left Ecuador in 1992³¹⁶ after its concession term expired, failing to remedy the pervasive contamination that covered 480,000 hectares. Later, in 1993, a 30000 Ecuadorian citizens sued Texaco in a class action case in the New York District Court, claiming that the company's antiquated extraction methods had harmed local people and polluted the environment³¹⁷. After a number of court cases, the case was returned to Ecuador in 2003 because American judges were not qualified to decide the Ecuadorian case.³¹⁸ The oil firm was then ordered by Judge Nicolás Zambrano of the Sucumbíos Court to pay \$9 billion for area restoration and to publicly apologize to the affected residents in 2011³¹⁹. Chevron, meanwhile, charged that the Ecuadorian government was biased in the plaintiffs' favor. Chevron was accused of serious environmental damage, improper disposal of toxic waste, financial losses to communities in the Amazon, and dishonest rehabilitation practices. In addition, they were charged with forcing forced migrations, health issues, declining indigenous populations, and public opinion manipulation.³²⁰ Chevron started seeking reparations internationally after the verdict, refusing to apologize. In order to avoid paying, they withdrew their assets from Ecuador, which led individuals to file lawsuits in the countries where Chevron held interests.³²¹

³¹⁴ Stocchiero, Andrea. Above on note 288.

³¹⁵ *Ibid.*

³¹⁶ Stocchiero, Andrea. Above on note 288. North, James. "Ecuador's Battle for Environmental Justice against Chevron." *Www.thenation.com*, 2 June 2015, www.thenation.com/article/archive/ecuadors-battle-environmental-justice-against-chevron/.

³¹⁷ Diaz, Fernando Cabrera . "Tribunal Finds Ecuador in Breach of BIT for Its Judiciary's Slow Handling of Texaco Lawsuits – Investment Treaty News." *International Institute for Sustainable Development*, 8 Apr. 2010, www.iisd.org/itn/en/2010/04/07/tribunal-finds-ecuador-in-breach-of-bit-for-its-judiciary-s-slow-handling-of-texaco-lawsuits/. Accessed 19 May 2024.

³¹⁸ North, James. Above on note 297.

³¹⁹ Sawyer, Suzana. "The Small Matter of Suing Chevron." <https://www.dukeupress.edu/The-Small-Matter-of-Suing-Chevron>, Duke University press, June 2022.

³²⁰ Stocchiero, Andrea. Above on note 288.

³²¹ *Ibid.*

Judge Lewis Kaplann summoned the complaint signatories on extortion allegations on October 2013, invoking the RICO Act. Chevron claimed Ecuadorian communities, advocates, and their attorneys engaged in criminal extortion similar to that of organized crime³²².

This charge highlighted Ecuadorians' fragility and made the misery of those impacted by the company's conduct even worse. Even as Judge Kaplan decided in Chevron's favor, victims were fighting for justice in another court case at the International Criminal Court. They did, however, face challenges because of the ICC's limited jurisdiction and incapacity to deal with ecocide cases³²³.

Ecocide is the term used to describe “unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts”³²⁴.

Predatory international capitalism ignores the natural equilibrium of the ecosystem and takes advantage of people and resources in areas they have inhabited for generations in an effort to maximize investor profits through the exploitation of natural resources.

In order to punish crimes against peace, such as genocide, war crimes, aggression, and crimes against humanity, the International Criminal Court was established in 2002. Because of the harm that ecocide causes to people, the environment, and the human race as a whole, proponents suggest that it should be designated as the fifth crime³²⁵.

Ecocide is a result of human activity and can be avoided or lessened by proactive planning and activities that change the emphasis from placing blame to averting damage. Even with so many international environmental agreements, when certain parties choose not to sign, there are insufficient procedures for their implementation. Instead of classifying predatory extractivism as a crime, several state laws impose fines. Paying environmental fines is more convenient for some firms than following the law's requirements for protecting ecosystems.³²⁶

The issue of Ecuador with Chevron serves as an example of how major multinational businesses may influence and manipulate environmental legislation in so-called "emerging" countries because of their political and economic power.

³²² Chevron in Ecuador. Donziger Appeal: Judge Kaplan Allowed Corrupt Witness Testimony, Violated International Law and Stretched RICO Past “Breaking Point.” 8 July 2014, chevroninecuador.org/news-and-multimedia/2014/0708-judge-kaplan-allowed-corrupt-witness-testimony-violated-international-law-and-stretched-rico. Accessed 19 May 2024.

³²³ Stocchiero, Andrea. Above on note 288.

³²⁴ Ecocide Law Alliance. Definition. www.ecocidelawalliance.org/definition/.

³²⁵ Stocchiero, Andrea. Above on note 288.

³²⁶ *Ibid.*

The role of the Ecuadorian state should be taken into account to gain a clearer picture of this case.

The Ecuadorian government mostly supported the oil company throughout the Chevron trial. Through the Ecuadorian embassy in America, the state interfered several times to support the multinational corporation while the legal processes were still pending in the United States. To protect foreign interests, Ecuador and the United States signed a bilateral investment treaty in 1997³²⁷.

Later, in 2009, Chevron took advantage of this treaty to force the Ecuadorian government to either halt the ruling or require the business to pay the full amount of the judgment imposed on it by Ecuadorian courts. Prior to 1997, Ecuador and Chevron made a contract without telling the plaintiffs that included environmental repair and compensation for the affected populations in the Amazon.³²⁸

In the end, this deal turned out to be just another charade that greatly benefited the interests of the oil monopoly. Following this, an official report by the State's General Comptroller exposed Chevron's disregard for the requirements and for the remediation and compensation agreements. The government cleared Texaco (now Chevron) of all liability in spite of these conclusions. The government's attempts to make amends with the executives of the oil business highlight the fundamental pattern in this case, which is the multiple pressures placed on the judiciary, as demonstrated by the corporation's successful negotiation of a verdict at different stages.³²⁹

This major case of land grabbing highlights not only the issue of land grabbing and the rights of indigenous populations but also the incompetence of the Ecuadorian state, American political influence, and the corruption that benefits large corporations even in front of a judge.

2.4.1 U.S. financial companies and Universities as land grabber

The topic of American universities and their investment funds grabbing land for soy plantations has garnered a lot of attention in recent years in the United States. Because it is thought to be profitable, these universities—including Harvard—frequently invest in land abroad. Opposition and criticism may arise from such investments, especially if they negatively impact the environment and the surrounding areas. The Teachers Insurance and Annuity Association of

³²⁷ *Ibid.*

³²⁸ *Ibid.*

³²⁹ *Ibid.*

America (TIAA), a financial institution that provides insurance and investment services to individuals employed in nonprofit sectors including academia, research, medicine, government, and the arts, has also been criticized for land grabbing.³³⁰

Examining the cases of TIAA and Harvard in Brazil will provide greater clarity on this issue, revealing that even educational institutions and organizations with declared nonprofit goals can participate in land grabbing.

TIAA land grabbing : the case of Ludmila and Laranjeiras farms

Because of its significant exposure to land grabbing, corruption, and deforestation, TIAA's role in land speculation and purchase is noteworthy.

Its investments in commodities associated with deforestation, farming, and fossil fuels exacerbate the climate problem, violate human rights, and deteriorate the environment.

With 3 million acres under management, TIAA is the largest worldwide steward of farms and forests. It has a significant investment base in the fossil fuel industry, with about \$78 billion in assets. Moreover, TIAA is the fourth-ranked bond owner in the world and maintains prominent positions along the coal value chain. Remarkably, in 2022, around eight hundred eminent customers addressed PRI with complaints, drawing attention to the inconsistency between TIAA's commitments to climate change and its financing of fossil fuels and deforestation. Resolutions from more than 20 universities also emphasize the need for TIAA to make sure retirement funds support climate goals and don't hurt the environment.³³¹

The Ludmila farm, once held by Simone De Carli and currently registered under Tellus Brasil Participações S.A., a subsidiary of the Radar S.A. Group, was one of the farms in Santa Filomena that SEMAR (Secretary of Environment and Water Resources of Piauí State) embargoed in 2022. TIAA is the co-owner of Radar Group. Although Radar/Tellus does not cultivate soy directly, it does lease land for soy farming and speculates on land values.³³² In 2019, after the Federal Prosecutor's Office conducted an inquiry, the national agency in charge of foreign land acquisitions and agrarian reform, INCRA, rendered a decision. They

³³⁰ Kagan, Julia. "Teachers, Insurance, and Annuity Association (TIAA)." Investopedia, 13 Mar. 2024, www.investopedia.com/terms/t/tiaa-cref.asp.

³³¹ Pitta, Fábio, et al. "Land Grabbing and Ecocide: How Bunge, TIAA, and Harvard Fuel the Destruction of the Brazilian Cerrado." ActionAid USA, Sept. 2023, www.actionaidusa.org/publications/land-grabbing-and-ecocide-how-bunge-tiaa-and-harvard-fuel-the-destruction-of-the-brazilian-cerrado/. Accessed 17 May 2024.

³³² *Ibid.*

concluded that Tellus Brasil Participações S.A. ought to be regarded as a foreign entity because of its affiliation with foreign firms, even though it is officially incorporated as a Brazilian company. As a result, it broke Brazilian law when it bought properties during the time when there were rules governing the purchase of foreign land.³³³

The land purchases made by Cosan S.A. (part of Radar) and TIAA were declared void by INCRA. To further support their decision to void the deals, they discovered proof that the property records had been changed in order to grab land.³³⁴

According to TIAA, INCRA authorized Brazil's farmland ownership structure in July 2023. However, this was kept confidential. People speculate whether outside pressure caused INCRA to reverse its decision.³³⁵

The joint venture between TIAA and Cosan was the subject of an investigation in 2023 that revealed their involvement in land grabbing, corruption, and deforestation. According to the study, the corporations did not take the necessary precautions to guarantee that the lands they bought were not acquired by land grabbers.³³⁶

TIAA and Cosan acquired land in Brazil through a convoluted web of businesses. More than 30,000 hectares of farmland were purchased by them from accused and recognized land grabbers. Deals with a land magnate who was accused of money laundering and corruption were part of this.³³⁷

The relationship between Radar/Tellus and SLC Agrícola and its subsidiary, SLC LandCo, is another example that involves financial speculation on farmland.

Radar bought farmland in Maranhão from SLC, who had previously bought them from the De Carli Group. After that, Radar leased the land back to SLC so that it could grow soy. In Piauí, Radar and SLC all own properties in the same area and interact with one another on a variety of business matters. The fact that TIAA purchases land and then leases it back contradicts its contention that leasing land does not raise demand.³³⁸

³³³ *Ibid.*

³³⁴ *Ibid.*

³³⁵ *Ibid.*

³³⁶ Goulart, Eduardo, et al. "Ignoring Warning Signs, US Retirement Manager TIAA Bought Farms from Alleged Land Grabbers with Brazilian Sugar Giant." OCCRP, 2 May 2023, www.occrp.org/en/investigations/ignoring-warnings-signs-us-retirement-manager-tiaa-bought-farms-from-alleged-land-grabbers-with-brazilian-sugar-giant. Accessed 17 May 2024.

³³⁷ *Ibid.*

³³⁸ Pitta, Fábio, et al. above on note 259.

TIAA's major tenant, SLC Agrícola, is well-known for its enormous deforestation.³³⁹ By leasing properties from TIAA, it has expanded its activities, which has benefited both parties financially.

The De Carli Group sold the Laranjeiras and Ludmila farms, among other farms in Maranhão and Piauí, to the Radar/Tellus Group. Due to a lack of appropriate documentation proving the transfer of state-owned land to private owners, these acquisitions most likely broke regulations prohibiting foreigners from purchasing land and may have included illegal appropriation. These deals demonstrate the connection between land grabbing and deforestation that was identified in the AATR report "On the Border of (Il)legality."³⁴⁰

Monitoring reveals that the Ludmila and Laranjeiras farms experienced considerable deforestation between 2013 and 2017, with native vegetation being replaced by soy farming, despite efforts to comply with legal standards. Just prior to TIAA/Nuveen enacting a No Deforestation policy in 2018, which forbade the purchase of land cleared of natural vegetation in five Brazilian biomes, this deforestation took place.³⁴¹

The Ludmila and Laranjeiras farms were sold in June 2023, TIAA stated in answer to inquiries from Friends of the Earth U.S. This implies that TIAA might have sold these lands in order to garner greater attention, particularly given that they were converted to soy plantations prior to the organization's adoption of its No Deforestation policy. According to TIAA, they perform background checks in locations with social and environmental challenges as well as screen sellers for legal issues.³⁴²

Nuveen's 2018 Zero Deforestation policy, which forbids the purchase of property removed of natural flora in particular biomes after defined dates, has been emphasized by TIAA. Although this policy shows that TIAA is conscious of the issues surrounding deforestation, it excludes farmland that is already part of its portfolio.³⁴³

Independent studies conducted in the past have shown that since 2000, TIAA's farms in the Cerrado region have lost 72,000 hectares of forest, and that at least one of TIAA's Brazilian

³³⁹ Hertzler, Doug. Resolved: The Takeover of Farmland and Forests by TIAA Is Not Socially or Environmentally Responsible. 2016.

³⁴⁰ Pitta, Fábio, et al. above on note 259.

³⁴¹ *Ibid.*

³⁴² *Ibid.*

³⁴³ *Ibid.*

estates was cleared for development shortly after it was acquired by Radar SA, the company's Brazilian affiliate.³⁴⁴

Harvard land grabbing in Brazil

Having been established in 2008, Insolo Agroindustrial works in the rural land market, growing cotton and grains in the Cerrado region's states of Piauí, Tocantins, and Maranhão³⁴⁵. This company was founded in collaboration with the endowment fund of Harvard University and emerged as a major player in the Brazilian land market in the midst of the 2008 global economic crisis, which saw a rise in the financialization of agricultural land³⁴⁶. Since then, a number of multinational financial institutions have increased the amount of land they own in the Matopiba area. Under the direction of the Harvard Management Corporation (HMC), three Brazilian businesses—Insolo Agroindustrial, GBE, and Granflor—manage Harvard's endowment fund, which deals in land purchases and sales.³⁴⁷

Between 2008 and 2016, these businesses acquired almost 300,000 hectares of land in the Matopiba region, making Harvard University one of the biggest foreign landowners in Brazil.³⁴⁸ According to a 2023 assessment, Harvard's funding caused 53,000 hectares of Brazilian forest to be cleared for development³⁴⁹.

Using Insolo as a conduit for endowment funds from Harvard, the university acquired land in Piauí in 2008. Harvard owned 95.8% of Insolo's shares through Phemus Corp. and other companies. Harvard became a major owner of farmland in the region when it invested at least \$138.7 million in Insolo between June 2008 and June 2016, acquiring six farms totaling 115,000

³⁴⁴ Chain Reaction Research. TIAA's Farmland Funds Linked to Fires, Conflicts and Legacy Deforestation Risks in Brazil - Chain Reaction Research. 23 Jan. 2020, chainreactionresearch.com/report/tiaas-farmland-funds-linked-to-fires-conflicts-and-legacy-deforestation-risks-in-brazil/. Accessed 17 May 2024.

³⁴⁵ Insolo. "QUEM SOMOS |." QUEM SOMOS |, 2022, www.insolo.com.br/historia.html. Accessed 17 May 2024.

³⁴⁶ Borges, David G., et al. Transnational Corporations and Land Speculation in Brazil. *Www.academia.edu*, 1 Feb. 2018, www.academia.edu/111915494/Transnational_corporations_and_land_speculation_in_Brazil. Accessed 17 May 2024.

³⁴⁷ Pitta, Fábio, et al. above on note 259.

³⁴⁸ *Ibid.*

³⁴⁹ Bongwe, Sazi T. , and Jade Lozada. "Assets to Axes: How Harvard's Land Investments Inspired Fear in Brazil's Cerrado | Magazine | the Harvard Crimson." *Www.thecrimson.com*, 13 Apr. 2023, www.thecrimson.com/article/2023/4/13/hmc-brazil-scrut/.

hectares in Piauí³⁵⁰. However, in October 2020, a judge ruled that HMC and TIAA had unlawfully taken possession of more than 500,000 acres of Cerrado public land.³⁵¹

Harvard's land speculation has negatively impacted rural communities by causing grave human rights violations and damage to the environment. This includes the Ipê Farm case, where over 58,400 hectares are utilized for soy monoculture in the towns of Ribeiro Gonçalves and Baixa Grande do Ribeiro, close to Santa Filomena in Piauí. On May 16, 2018, the Sorotivo Agroindustrial Ltda, a company of Insolo, was found to have unlawfully stolen roughly 27,000 hectares of public land for the Ipê farm by the Agrarian Court of Bom Jesus, Piauí.³⁵² After the decision, the state illegally regularized the land grab by reclaiming the land and then selling it to Insolo. Harvard essentially "laundered" illegally acquired land and enabled the spread of soy farming through Insolo. Fire and deforestation have been two of Insolo's aggressive expansion techniques.³⁵³

A June 2022 report published by Carta Capital revealed additional instances of environmental degradation on the Ipê property³⁵⁴. In a Chain Reaction Research research, images from the Projeto de Monitoramento do Desmatamento na Amazônia Legal por Satélite (PRODES) showed that around 24,000 hectares of the Ipê farm were deforested between 2000 and 2018. In addition, multiple fire outbreaks around the farm were observed by satellites in 2019, which added to the global devastation of forests and other ecosystems. According to monitoring data, Insolo may have been the cause of more than 53,000 hectares of deforestation over the previous ten years.³⁵⁵

HMC has been working to sell off its Brazilian land holdings in light of reports of environmental damage and breaches of human rights as a result of its investments. Businessman Ricardo Faria, the proprietor of the agricultural firm Terrus founded in 2020, acquired Insolo in 2021 for 1.8 billion Brazilian reais.³⁵⁶

Ricardo Faria indicated during a presentation at the COP27 in Egypt in November 2022 that Insolo has six farms and has 180,000 hectares of grain planted in the states of Piauí, Tocantins,

³⁵⁰ GRAIN and Rede Social de Justiça e Direitos Humanos. "Harvard's Billion-Dollar Farmland Fiasco." Grain.org, 6 Apr. 2018, grain.org/article/entries/6006-harvard-s-billion-dollar-farmland-fiasco. Accessed 17 May 2024.

³⁵¹ Bongwe, Sazi T. , and Jade Lozada. Above on note 263.

³⁵² Pitta, Fábio, et al. above on note 259.

³⁵³ *Ibid.*

³⁵⁴ Gussen, Ana Flávia. "Agricultor Bolsonaroista Construiu Império Ao Comprar Terras Suspeitas de Grilagem." CartaCapital, 10 June 2022, www.cartacapital.com.br/politica/o-amigo-emergente/. Accessed 17 May 2024.

³⁵⁵ *Ibid.*

³⁵⁶ Pitta, Fábio, et al. above on note 259.

and Maranhão. One of these farms, Fortaleza farm, is situated in the Piauí municipality of Santa Filomena and covers an area of over 9,300 hectares.³⁵⁷

The Fortaleza farm has a "history of land grabbing and environmental conflicts with surrounding communities," according to researcher Jéssica Siviera³⁵⁸.

Faria indicated in a December 2021 interview that he had planned an extra 30,000 hectares to extend his operations in Matopiba in 2022 and that one of his plans was to lease land. In 2022, fieldwork in the southern region of Piauí revealed that Insolo was renting a portion of the Radar-owned Ludmila farm as well as the Ad Rubi farm from Damha.³⁵⁹

In 2022, AidEnvironment discovered illegal deforestation on the previously mentioned farm. Additionally, in January 2023, some 5,000 hectares of the Planalto farm in Sebastião Leal, Piauí, under Terrus S.A./Insolo management, were cleared of their forest. This demonstrates that Insolo is still pushing for the growth of soy monoculture, which has serious negative effects on the environment and human rights.³⁶⁰

These cases highlight the numerous intersections between various companies, which complicates understanding the facts and demonstrates why it is challenging to establish that an American company is involved in land grabbing. Despite evidence of land grabbing and deforestation, universities have sold these companies in Brazil, thereby improving their image while the land grabbing continues.

³⁵⁷ *Ibid.*

³⁵⁸ Vicente, Jessica Siviero. "Uma Nova Safra de Proprietários Rurais? O Caso Dos Investimentos Da Universidade de Harvard Em Recursos Naturais No Brasil." *Rima.ufrj.br*, 2 Apr. 2020, rima.ufrj.br/jspui/handle/20.500.14407/11693. Accessed 17 May 2024.

³⁵⁹ Pitta, Fábio, et al. above on note 259.

³⁶⁰ *Ibid.*

Chapter III - Institutions, global governance and policies

One of the primary reasons the phenomenon of land grabbing is difficult to stop is the support provided by international institutions such as the World Bank and the International Monetary Fund. The institution most heavily criticized is the World Bank, but often, the criticisms directed at it are similar to those aimed at the IMF. Therefore, the focus will specifically be on analyzing the World Bank's perspective.

3.1 World Bank's perspective on land grabbing

Land grabbing, as mentioned, saw a significant increase following the 2008 food crisis, though countries in the Global South have experienced this phenomenon for centuries, initially through state colonialism and now via foreign companies. The main causes include population growth, dietary changes of the new middle class with higher animal protein consumption, and biofuel policies, such as those of the EU, requiring vast lands.

Critics highlight the negative impacts of these land acquisitions, while supporters argue they develop the agricultural sector in developing countries, leading to infrastructure investments, technological advancements, and job creation. Proponents refer to these actions as investments rather than land grabbing to avoid a negative connotation.

Among the key proponents of large-scale land acquisitions is the World Bank. Despite acknowledging the criticisms from NGOs, the World Bank considers this practice beneficial for countries in need, arguing that agricultural investments can enhance the efficiency of land and resource use. According to the World Bank, large-scale land acquisitions facilitate local infrastructure development, job creation, market access, technological advancement for local producers, and increased tax revenues³⁶¹.

The WB, a central institution in structural adjustment policies alongside the IMF, plays a pivotal role in enabling these land acquisitions. It negotiates financial terms directly with states and can finance land acquisition projects both directly and indirectly.

The International Financial Corporation (IFC) and the Foreign Investment Advisory Service (FIAS), which are part of the World Bank, provide financial assistance to governments in developing countries. These institutions, however, have been criticized for promoting and

³⁶¹ Von Egan-Krieger, Tanja . "The "Ideal Market" as a Normative Figure of Thought. Analysing the Reasoning of the World Bank pro Land Grabbing." Paecon, 2021, www.paecon.net/PAEReview/issue95/Egan-Krieger95.pdf.

facilitating land grabbing, often proposing solutions that overlook significant social and environmental impacts.³⁶²

When the World Bank discusses the advantages of large-scale land acquisitions, it highlights the necessity of free and efficient markets, suggesting that the yield gap between current resource use and their potential can be bridged by utilizing these resources more effectively to increase production and stimulate the economy. This strategy is intended to help poorer nations participate in international markets and become competitive, although this anticipated outcome rarely materializes. The emphasis on addressing the yield gap is more about maximizing potential profits rather than focusing on the amount of crops that could feed a population.

To reinforce this perspective, it is argued that underutilized or unused lands in many countries in the Global South should be used more efficiently. These lands are identified as areas fit for cultivation with a population density of fewer than 25 people per square kilometer, thus giving little consideration to the inhabitants of these regions. The primary objective is their productive utilization. However, these lands are often utilized by small-scale farmers for crop production or by pastoralists, and they are not truly unused. Yet, because they are not employed in a way that the World Bank considers optimal, they are labeled as "unproductive."³⁶³

The World Bank believes that if these lands were used efficiently, it could result in social benefits, providing various advantages. At this juncture, it is appropriate to question who the true beneficiaries of these land acquisitions are.

The World Bank asserts that the benefits are communal and intended to aid all participants involved in these land deals. However, in reality, it is much more common for foreign entities, such as states and multinational corporations, to gain the most from these investments. Additionally, there does not seem to be an equitable distribution of these benefits, as the reliance on free markets means there is no entity to direct the allocation of these benefits. This results in a bias toward investors, often to the detriment of the local populations whose lands become the targets of these foreign actors.

When critics of large-scale land acquisitions highlight negative impacts such as the displacement of local communities, loss of livelihoods, and issues related to environmental and social sustainability, and seek explanations from the World Bank, the institution acknowledges these concerns but attributes them to market failures.³⁶⁴

³⁶² *Ibid.*

³⁶³ *Ibid.*

³⁶⁴ *Ibid.*

The WB maintains that these problems occur because the market is free and, without external influences, deviations from market principles can lead to failures. However, it argues that market failure is due to external effects that are not part of the market. This stance appears to be more of an excuse to avoid genuinely addressing the issue, as these "external effects" are not invisible. They reflect the selfish ambition of individuals to prioritize profit and power above all else, disregarding other stakeholders, such as local communities and the environment.

The World Bank defines expropriation as "displacement without adequate compensation," and it applies to situations when local residents are dislocated. According to the World Bank, expropriation happens when preexisting property rights are ignored. Thus, in the institution's opinion, these rights should be recognized as part of a suitable framework. They stipulate that rights must be acknowledged, precisely defined, observable in the real world, and inexpensively enforceable³⁶⁵.

Although this claim appears plausible, it begs the question of what exactly is supposed to be meant by existing property rights right away. Informally acquired rights like common property are included in the World Bank's definition of existing rights. As a result, it can be considered a market failure when existing property rights are not acknowledged.

Large-scale land acquisitions, however, are considered morally acceptable by the World Bank as long as they respect pre-existing property rights and give sufficient compensation. Insofar as it guarantees legal certainty and averts adverse impacts on investment, the World Bank claims that investors benefit from the recognition of property rights.

Lack of knowledge, such as the actual preferences of contracting parties, is another frequently mentioned reason for the occurrence of market failures. For example, the World Bank objects to sales of land that are made "well below its potential value." The World Bank claims that one of the contracting parties' informational deficiencies is the cause of this kind of transfer. The institution contends that a "appropriate framework" therefore entails an open process, that is, one that is transparent and makes information about costs, agreements, and rights available to the public, and that the transfer is founded on a freely given consent³⁶⁶.

Opponents of land grabbing question the explanations provided by the World Bank regarding the causes of investment inefficiency. These critics argue that it is not simply a matter of lack of information or market dysfunctions, but rather highlight social inequalities that favor one

³⁶⁵ *Ibid.*

³⁶⁶ *Ibid.*

party over another. According to this critical perspective, land grabbing results from disparities in power and resources among the parties involved, rather than market inefficiencies.

3.1.1 World Bank’s report "Rising Global Interest in Farmland: Can it Yield Sustainable and Equitable Benefits?" versus reality

The extensive data on land grabbing can be juxtaposed with the assertions made by the World Bank in their report, "Rising Global Interest in Farmland: Can it Yield Sustainable and Equitable Benefits?" which advocates for large-scale land acquisitions as a mean to alleviate poverty. This comparison aims to evaluate whether the institution's theories and declarations have materialized in practice.

In the report, the World Bank identifies global territories that are arable, underutilized, and sparsely populated, and it delineates the types of crops suitable for cultivation in these areas. The report features a map indicating the 'maximum potential value' of output for each continent and includes numerous charts illustrating yield gaps and Relative Land Availability across different geographical regions.³⁶⁷

Furthermore, it examines how specific commodities such as wheat, maize, soybean, sugarcane, and oil palm can be produced on a large scale on these underutilized lands through private investments, which purportedly would mitigate poverty in the respective countries.

Two of these tables are provided below.

Table 3.1 Potential Supply of Land for Rainfed Cultivation in Different Regions (thousand ha)			
	Total area	Area < 6 hours	Area > 6 hours
Sub-Saharan Africa	201,540	94,919	106,621
Latin America and the Caribbean	123,342	93,957	29,385
Eastern Europe and Central Asia	52,387	43,734	8,653
East and South Asia	14,341	3,320	11,021
Middle East and North Africa	3,043	2,647	396
Rest of world	50,971	24,554	26,417
Total	445,624	263,131	182,493

Figure 9: Potential Supply of Land for Rainfed Cultivation in Different Regions

Source: <http://documents.worldbank.org/curated/en/998581468184149953/Rising-global-interest-in-farmland-can-it-yield-sustainable-and-equitable-benefits>

³⁶⁷ Byerlee, Derek R., et al. "Rising Global Interest in Farmland : Can It Yield Sustainable and Equitable Benefits?" World Bank, 10 Jan. 2011, documents.worldbank.org/en/publication/documents-reports/documentdetail/998581468184149953/rising-global-interest-in-farmland-can-it-yield-sustainable-and-equitable-benefits.

Table 3.2 Potential Area of Nonforested, Nonprotected Land Close to Market Most Suitable for Different Crops under Rainfed Cultivation, (thousand ha)						
	5 crop total	Maize	Soybean	Wheat	Sugarcane	Oil palm
Sub-Saharan Africa	94,919	44,868	38,993	3,840	6,023	1,194
Latin America and the Caribbean	93,957	28,385	37,716	11,043	15,021	1,793
Europe and Central Asia	43,734	3,851	419	39,464	0	0
East and South Asia	3,320	465	443	1,045	500	867
Middle East and North Africa	2,647	0	10	2,637	0	0
Rest of World	24,554	5,741	5,289	12,747	722	55
Total < 6 hours to market	263,131	83,310	82,870	70,776	22,266	3,909
Total	445,624	156,828	137,711	88,149	41,176	21,760
Total cultivated 2008	520,411	161,017	96,870	223,564	24,375	14,585

Figure 10: Potential Area of Nonforested, Nonprotected Land Close to Market Most Suitable for Different Crops under Rainfed Cultivation

Source: <http://documents.worldbank.org/curated/en/998581468184149953/Rising-global-interest-in-farmland-can-it-yield-sustainable-and-equitable-benefits>

This presentation leads readers to infer that large-scale land acquisitions have the potential to effectively reduce poverty and generate substantial benefits for both the recipient countries and the investors. The data and visual aids provided in the report aim to reinforce the notion that such investments can indeed yield positive economic and social outcomes, aligning with the World Bank's advocacy for these large-scale agricultural projects.

A comprehensive framework for organizing land investments to prevent negative effects on local populations and guarantee mutually beneficial outcomes is provided in Chapter 4 of the World Bank publication.

It starts off by highlighting the necessity of acknowledging and defending current land rights, particularly those of nearby towns, native Americans, and unofficial land users. To avoid arbitrary removal and land disputes, legal systems must precisely define and record these rights. This entails charting and officially recognizing diverse land tenure patterns in order to give local inhabitants legal standing and protection from expropriation³⁶⁸.

³⁶⁸ *Ibid.*

The chapter emphasizes how important transparency is to making wise land investments. The World Bank supports procedures that allow the public to obtain information on land transactions, such as costs, contracts, parties involved, and the precise rights being transferred. Stakeholders, particularly local communities, are able to fully comprehend the investment's repercussions because to this transparency. In addition, the Free, Prior, and Informed Consent (FPIC) concept guarantees that the native population consents willingly to land transfers after being fully informed about the advantages and possible consequences³⁶⁹.

Another important goal is recompense. The chapter emphasizes that compensation for land acquisitions should be commensurate with the actual value of the affected individuals' land and related resources. In addition to the land's market value, compensation should take into consideration the loss of livelihoods, cultural significance, and access to necessary resources. Compensation packages must include both monetary and non-monetary options, such as assistance in creating new revenue-generating ventures or land-for-land exchanges.³⁷⁰

Involving local people in the process of decision-making is essential to guaranteeing fair results. The chapter promotes community involvement in terms of planning, executing, and negotiating land investments using participatory methodologies. By assisting in the customization of investments to local conditions and requirements, this involvement increases the possibility of favorable social and economic outcomes. It's also advised to set up complaint processes so that the community can express concerns and seek justice if their rights are infringed³⁷¹.

The framework's cornerstone is sustainability. The World Bank stresses that land investments should support farming methods that, over time, preserve or improve the land's potential for productivity. This entails using eco-friendly practices like integrated pest management, conservation agriculture, and agroforestry, which support the preservation of biodiversity, water resources, and soil health and guarantee long-term productivity and ecosystem integrity.³⁷²

The chapter also emphasizes the significance of continuous assessment and monitoring to guarantee that land investments continue to fulfill the planned social, economic, and environmental goals. This entails putting in place reliable systems to monitor the effects of land transactions, reporting on them often, and making adjustments as needed. Constant evaluation makes it possible for stakeholders to quickly resolve any new problems and guarantee that the rewards of investments are distributed fairly.³⁷³

³⁶⁹ *Ibid.*

³⁷⁰ *Ibid.*

³⁷¹ *Ibid.*

³⁷² *Ibid.*

³⁷³ *Ibid.*

Chapter 4 concludes with a set of policy proposals meant to foster an atmosphere that supports equitable and sustainable land investments. These suggestions include fortifying legal frameworks to safeguard property rights, improving land transactions' accountability and openness, making sure that just compensation is provided, encouraging community involvement, and supporting sustainable land use practices. The World Bank contends that by implementing these policies, land investments may support economic growth while preserving the rights and means of subsistence for local residents³⁷⁴.

The possible risks and complications of large-scale land acquisitions are examined in Chapter 5.

It looks at problems that could become major obstacles in the context of such investments, like social instability, environmental deterioration, and community displacement.

The chapter also examines a number of tactics and policy suggestions intended to allay these worries and guarantee that land investments truly aid in poverty reduction and sustainable development. In order to manage land agreements in a responsible and equitable manner, it emphasizes the vital significance of strong governance structures, transparency initiatives, and meaningful stakeholder participation³⁷⁵.

In addition, Chapter 5 presents the World Bank's position on the eradication of poverty through land investments. It supports strategies that put an emphasis on inclusive development, protecting local communities' land rights, empowering them, and expanding their options for a living. The World Bank sees a path towards more sustainable and equitable development results by integrating social safeguards and environmental conservation measures into investment projects.³⁷⁶

Despite being the primary goal of land acquisitions, poverty reduction is only briefly addressed within the chapter, offering general guidance without concrete regulations to systematically alleviate poverty. However, the World Bank specifies that conditions conducive to poverty reduction through land acquisitions include employment opportunities and fair compensation for land. If managed appropriately, these two factors should aid local populations in economic development, consequently leading to poverty reduction. The data provided in the World Bank report can be utilized to assess the validity and effectiveness of this claim³⁷⁷.

³⁷⁴ *Ibid.*

³⁷⁵ *Ibid.*

³⁷⁶ *Ibid.*

³⁷⁷ Von Egan-Krieger, Tanja. above on note 361.

The report's conclusions indicate that the degree to which the local community gains from prospective investments depends critically on the number of jobs created. Though it doesn't cover a lot of pages, the paper offers some really interesting insights.

Remarkably, a major table in the report shows the estimated rates of employment creation for important crops targeted in large-scale land acquisitions, and it shows some unexpectedly low numbers. Furthermore, the enormous expenditure needed for each new job generated begs important issues about the underlying goals of these purchases³⁷⁸.

The main issue with this theory is that it does not take into account the fact that many investors are attracted solely by the profits they know they can make by acquiring 'underutilized' land and establishing agricultural or other types of enterprises. The goal of these investors is not to help local communities; their aim is to achieve high productivity to generate high profits.

Large-scale production projects might be beneficial, but it's important to recognize that investors value profit maximization more than reducing poverty by providing jobs or compensating landowners. This tendency is indicative of a larger pattern brought about by capital's insatiable quest of profit. This behavior is not an anomaly brought about by regulatory inadequacies; rather, it is a foreseeable outcome of market dynamics. As a result, governments competing for investment frequently provide land at little or free cost, citing the creation of jobs as a secondary developmental benefit as reason.

One factor analyzed in the report is the mechanization that occurs in the production of soybeans and grains on enormous farms in North America and Argentina.

Argentina is praised in the World Bank study for its "near-industrial methods of quality control and low-cost production," under the direction of "highly qualified agronomists" on land leased from large enterprises that pay high rents. Landowners are encouraged by this arrangement to quit producing on their own and lease their land to big businesses³⁷⁹.

Soy farming in Brazil uses a similar mechanical methodology. In a nation with substantial unemployment needs, the report classifies this condition as problematic because it does not result in job creation. The efficiency and profitability of mechanized soy production are its main competitive advantages. One tractor operator and one mechanic can operate a large soy or grain farm³⁸⁰.

³⁷⁸ *Ibid.*

³⁷⁹ *Ibid.*

³⁸⁰ *Ibid.*

The profitability of Brazilian soy would decline if the Brazilian government required investors to generate a large number of employment, and if these jobs were subject to Brazil's labor rules. This would probably cause investors to look for more profitable options elsewhere.

According to the paper, areas with low population density, little chance of in-migration, and a strong non-agricultural sector that can accommodate projected labor force expansion are the only ones where highly mechanized, labor-saving investments should be encouraged.³⁸¹

While uncommon in the global south, these circumstances are common in the global north. However, the paper notes that Brazil has 22.1 million hectares of sparsely inhabited territory appropriate for soy production, 1.3 million hectares suitable for wheat, and 11.4 million hectares suitable for maize, none of which draw a substantial amount of labor³⁸².

This hypothetical situation shows that while Brazil's land is necessary for worldwide production and corporate profit, neither the work of its citizens nor their requirements for land or jobs are taken into account.

The largest and most active land occupation movement in the world, the Brazilian landless workers' movement, highlights how eager Brazilians are for land to cultivate but is not included in the report. Brazil is not alone in its dire circumstances; many of the other nations included in the report have "available" land suited for labor-saving crops like wheat, soy, and maize, where local populations may in fact require land or jobs in the near future³⁸³.

Giant mechanized farms for soy and grains serve as an extreme example of how they do not create employment for local populations. While sugar, palm oil, and rubber cultivation have a higher worker-to-hectare ratio, large corporate operations still employ very few workers, often around 1:100. On the other hand, small agricultural holdings maintain an employment ratio of roughly 1:1, as they demand more manual labor and, due to the lack of extensive mechanization, depend significantly on human capital³⁸⁴.

The World Bank claims that acknowledging the land's worth and allowing the original landowners to profit from the sale or lease of their property to investors is another strategy for reducing poverty through large-scale land acquisitions. The idea behind this is that poverty would decline when governments are able to finance public services and infrastructure through foreign land investments and investor taxes. The amount of money due to the original landowners is computed by taking into account all relevant aspects, including work and inputs,

³⁸¹ *Ibid.*

³⁸² *Ibid.*

³⁸³ *Ibid.*

³⁸⁴ *Ibid.*

in order to establish the land's expected worth. Apart from Argentina, though, the analysis shows that investors typically gain free access to land, which enables them to make large profits while paying landowners little to nothing³⁸⁵.

An extra analysis is included in a table that appears in the paper named "Summary of Analysis of Farm Incomes for Smallholders Relative to Wage Employment on Large-Scale Farms."

Table A2.5 Summary of Analysis of Farm Incomes for Smallholders Relative to Wage Employment on Large-Scale Farms								
	Ratio of smallholder to large scale for			Smallholder farm		Comparison		
	Yields	Labor/ha	Cost/ton	Family labor (days/year) ^a	Farm income (US\$/year) ^b	Wages for equivalent large farm area (US\$/year)	Farm income-to-wage ratio	Break even land rental
Sugarcane								
Zambia 1 ha irrigated	.78	4.80	0.86	598	2,118	348	6.09	1407
Oil palm								
Indonesia 2 ha outgrower	.89	.92	1.04	322	2,067	990	2.09	422
Indonesia 2 ha low input	.47	.48	1.00	192	873	990	0.88	-93
Cameroon 2 ha independent	.62	.90	.36	200	1,770	580	3.05	535
Rubber								
Malaysia 1 ha independent	.60	1.22	1.63	72	810	624	1.30	186
Grains								
Nigeria 5 ha independent maize	.50	.53	1.18	100	1,563	500	3.13	213
Zambia 5 ha independent maize	.67	5.06	.91	260	1,316	290	4.54	108
Cameroon 5 ha independent maize	.74	.84	.93	490	1,526	154	9.91	246
Sudan 20 ha sorghum	1.0	2.0	.74	200	1,994	319	6.10	81

Figure 11: Summary of Analysis of Farm Incomes for Smallholders Relative to Wage Employment on Large-Scale Farms

Source: <http://documents.worldbank.org/curated/en/998581468184149953/Rising-global-interest-in-farmland-can-it-yield-sustainable-and-equitable-benefits>

It looks at how much businesses would have to pay in rent per hectare to make up for the lost livelihoods of the locals or to make up for those who had to give up their land because of the investments. Because the rents would be so high, it would not be profitable for international corporations to operate there; instead, it would be more economical for them to hire locals on contract rather than buying their land.

It might be difficult to make sure small landowners get paid fairly for their property and to negotiate on that basis. These purchases should be controlled by effective governance in order to prevent investors from taking advantage of essentially free land. Land in the global South is mostly attractive to foreign investors because they believe it to be free; if strict laws forced them to pay the real market price, they would probably be less profitable, which would lower demand for land.

³⁸⁵ *Ibid.*

It is crucial to highlight a key set of statistics included in the table mentioned before. The labor re-turns of wage laborers on large-scale farms are compared with those of smallholders who work their own land in this table. In Zambia, for instance, a producer of sugarcane on a one-hectare smallholding might make six times as much as a wage worker on the same crop. A five-hectare smallholding produces three to ten times the income of wage employment for maize growers in Sub-Saharan Africa, while a two-hectare smallholding of oil palm yields a ratio of one to three³⁸⁶.

In contrast to selling their land to plantations that would then employ them as laborers, small farmers expect to gain more from keeping their land, as the report's authors demonstrate. Though it goes against the original idea that significant land investments are required, this analysis is true and rational. Another realization is that enormous plantations ought to be divided into smaller plots and managed through agrarian reform if smaller farms are more profitable for the residents of the area. People living in low-density areas would have greater work options thanks to this without having to give up their land to investors. Still, the productivity benefits of small-scale farming are not often acknowledged in this report or in other World Bank assessments. Small-scale farming ought to be given more consideration given the main goal of reducing poverty³⁸⁷.

Both NGOs and those affected by the World Bank's investment policy have harshly criticized the organization. At the World Bank's 2024 Land Conference in Washington in March 2024, which had as its topic "Securing Land Tenure and Access for Climate Action," there were significant protests against the organization.³⁸⁸ The ongoing gap between institutions and the people clamoring for recognition is exemplified by this circumstance. Eighty global organizations—including workers, grassroots communities, indigenous peoples, small-scale food producers, and civil society—released a new declaration pleading with the World Bank to "stay out of the land."³⁸⁹ The charges that the World Bank supports land grabs, which causes local communities to become impoverished, and that it sides with investors and foreign firms were restated.³⁹⁰

³⁸⁶ *Ibid.*

³⁸⁷ *Ibid.*

³⁸⁸ La Via Campesina. "World Bank out of Land!" - 80+ Organizations Denounce World Bank's 2024 Land Conference. 15 May 2024, viacampesina.org/en/world-bank-out-of-land-80-organizations-denounce-world-banks-2024-land-conference/. Accessed 23 May 2024.

³⁸⁹ *Ibid.*

³⁹⁰

Reading only the World Bank's report might lead one to believe that large-scale investments could genuinely support local communities and uplift the economies of developing countries. However, the reality requires acknowledging the actual behavior of these investors. While ethical companies focused on local communities might indeed generate benefits, without stringent laws and regulations to guarantee the well-being of the people, it is hard to imagine such positive outcomes being achieved.

3.2 Global governance and how it influences land grabbing

The term "global governance" is frequently used to describe the organizations, laws, players, and ideologies that control the global political economy as well as the contemporary process of controlling cross-border issues. These organizations, which are becoming more and more important in determining the course of the globe, include the United Nations, the European Union, the World Bank, the World Trade Organization, the International Monetary Fund, and several more. Critics contend that the world we live in now is already run by a small number of people who, seated at the heads of significant institutions, base their decisions not on better futures but rather on political and commercial agreements. Others think that these organizations are essential to developing universal values and guidelines that support national growth.

The expression is currently used to describe a wide range of topics, including the power of one state over another, governance established in the absence of an efficient government, the promotion of neoliberal globalization by governments and institutions, and more.

The Global Agriculture and Food Security Program, a multi-donor trust fund that promotes public and private investment in agriculture, the G8's New Alliance for Food Security and Nutrition, and the World Economic Forum's "Grow Africa" initiative are just a few of the initiatives that, in the context of land grabbing, NGOs and critics claim have encouraged this phenomenon over the years³⁹¹. These programs encourage significant private sector investments in developing nations' agriculture, which is why they are associated with land grabbing.

In an ever-evolving global landscape, it is imperative to acknowledge that several nations engage in trade and free trade agreements, alongside political accords. These agreements have a substantial impact on foreign private investments, which may be subject to favorable conditions or challenging circumstances.

³⁹¹ Margulis, Matias E., et al. "Land Grabbing and Global Governance: Critical Perspectives." *Globalizations*, vol. 10, no. 1, Feb. 2013, pp. 1–23, <https://doi.org/10.1080/14747731.2013.764151>.

Upon initial observation, land does not appear to be a "problem" with global governance since, from the founding of nation-states, it has been assumed that the government in charge of a given territory possesses territorial sovereignty. As such, territory has been conveniently identified with its nation, which has jurisdiction and sovereignty over it to the extent that it is divided from other states by boundaries. However, it is already evident in the post-colonial Global South that the former colonizer has retained such illegitimate control and influence over the territory that it undermines the idea of political authority and sovereignty³⁹².

Because of this, the governments of sovereign states who are still under a lot of pressure from other nations are more likely to welcome private investments by giving them powers that occasionally appear to take the place of governmental institutions. The "invention/justification" of the need for significant land investments, the "definition, reclassification and quantification" of what constitutes "marginal, under-utilized and empty" lands, the "identification" of these specific types of land, the "acquisition/appropriation" of these lands, and the "re-allocation/disposition" of these lands to investors are just a few of the "excuses" that states can actually use to facilitate land grabbing³⁹³.

The issue of territorial sovereignty was examined in the first chapter, along with the standards for determining whether a given territory has "lost" its territoriality and been given to a foreign investor.

These concepts enable the best possible understanding of the issue of global governance, as well as its interactions with territorial sovereignty and the role of states in the land-grabbing phenomenon.

3.2.1 Development of the global land governance

It is appropriate to comprehend how historically this has been made feasible, given the significance that land grabbing has had in the context of global governance in recent years. Land was not given much thought in the newly formed global governance institutions during the post-war era, when the United States of America became the dominant force. This was primarily because socialist and communist nations, which favored the political nationalization of private lands and their redistribution to the poor, were the ones pushing for significant

³⁹² *Ibid.*

³⁹³ Künnemann, Rolf, and Sofia Monsalve Suárez. "International Human Rights and Governing Land Grabbing: A View from Global Civil Society." *Globalizations*, vol. 10, no. 1, Feb. 2013, pp. 123–139, <https://doi.org/10.1080/14747731.2013.760933>.

agrarian changes. Thus, agrarian reform served as a battlefield during the Cold War, and both sides exploited it to push forward their respective political agendas.

In fact, the United States mainly backed agrarian reforms through the Alliance for Progress in the 1960s, only in nations where a communist revolution would have otherwise occurred³⁹⁴. This demonstrates how aid was driven more by political considerations than by a genuine desire to assist underdeveloped nations.

In the context of the Cold War, the FAO organized the World Conference on Agrarian Reform and Rural Development (WCARRD) in 1979 in an attempt to establish global governance for land issues related to agrarian reform and rural development. However, this effort was not successful. But in the 1980s, a true land agenda emerged as a result of the IMF's structural adjustment programs, which were seen as a model of a development engine for developing nations. In the meanwhile, land ceased to be an object of international discussion, even if the World Bank promoted agrarian reforms once more in the 1990s³⁹⁵.

The "Global Campaign for Agrarian Reform" was started in 1999 by La Via Campesina, an international movement that unites millions of peasants, small and medium-sized farmers, landless people, rural women, indigenous people, migrants, and agricultural workers worldwide³⁹⁶³⁹⁷. This movement was prompted by a lack of policies that supported local communities through land redistribution.

This initiative was crucial in getting agrarian reform onto international agendas, particularly the FAO's. As a result, a revised version of WCARRD was developed, and in 2006, the FAO hosted the International Conference on Agrarian Reform and Rural Development (ICARRD)³⁹⁸.

The recognition of collective land rights and the cultural and social components of land, along with the development of a new normative basis for international land governance, were made possible by the ICARRD initiative and rural social movements. Due to this event, land issues are once again officially on the FAO's agenda. The European Union in 2004, the Swedish International Development Agency in 2009, the International Fund for Agricultural Development in 2009, and the Department for International Development of the United Kingdom in 2010 were among the international organizations that started creating land and development policies during that period³⁹⁹.

³⁹⁴ Margulis, Matias E., et al. Above note 391.

³⁹⁵ *Ibid.*

³⁹⁶ "La via Campesina." www.assorurale.it, www.assorurale.it/archivio/la_via_campesina.html. Accessed 26 May 2024.

³⁹⁷ Margulis, Matias E., et al. Above note 391.

³⁹⁸ *Ibid.*

³⁹⁹ *Ibid.*

One tangible outcome of ICARRD was the FAO's decision to start a process for developing voluntary standards on land tenure, which was backed by civil society organizations. But reaching a global political agreement proved challenging, and the process moved slowly until the world's attention was drawn to the issue by the global phenomenon of land grabbing, which was made worse by the world food crisis. As public concern and awareness of land grabbing increased, discussions on global land governance accelerated, and in 2012 the new global governance experiment known as the Voluntary Guidelines was adopted by the restructured Committee on World Food Security (CFS).⁴⁰⁰

Precisely due to the increasingly significant global land grabbing, there has been a turning point in land policy aimed at creating global land governance.

Land grabbing causes changes in the global order and sets off revolutionary initiatives by middle-income and BRICS countries, which have a significant effect on the world economy.⁴⁰¹ Simultaneously, it triggers increased biofuel production and promotes the green economy that can transform into green grabbing.

These shifts are particularly evident in agricultural production paradigms traditionally dominated by cereals from the global North, which wielded significant market influence. However, in recent years, a constellation of new actors, including BRICS nations, strong middle-income economies, OECD members like South Korea, and the Gulf States, have sought to recalibrate international norms⁴⁰². These organizations participate in land grabs for various reasons, and they are currently among the world's most active participants in this phenomenon. The Gulf States, in particular, have historically relied on food imports due to their distinct economic and political situations. Today, in response to growing worries about food security, they are pursuing a combination of public and private programs targeted at foreign land investments⁴⁰³.

In addition to the need to address population growth, China and India are seeing an increase in demand for certain commodities, particularly animal proteins, as a result of changing dietary preferences among their rapidly growing middle-class populations⁴⁰⁴. This has created a greater appetite for opportunities for foreign investment.

⁴⁰⁰ *Ibid.*

⁴⁰¹ McMichael, Philip. "The Land Grab and Corporate Food Regime Restructuring." *The Journal of Peasant Studies*, vol. 39, no. 3-4, 12 Apr. 2012, pp. 681–701, <https://doi.org/10.1080/03066150.2012.661369>.

⁴⁰² Margulis *Ibid.*, Matias E., et al. Above note 391.*bid.*

⁴⁰³ *Ibid.*

⁴⁰⁴ *Ibid.*

The importance of flexible crops, those that may be utilized for a variety of uses, including feed, biofuels, and industrial commodities, is rising. These kinds of products account for a large portion of land grabbing⁴⁰⁵.

Furthermore, as the G8 gave place to the G20, emerging nations, especially in trade, finance, and climate change, are becoming more and more important components of the global governance system⁴⁰⁶. Power relations in land grabs don't necessarily present a nation as "subordinate." For instance, although they have invested much in land acquisition, Brazil and Argentina are also major targets for these kinds of operations.

Land grabbing thus causes shifts in the balance of political power worldwide. This phenomenon is influenced by the way institutions promote particular goods, which is why it is more important than ever to develop an international strategy that takes human rights into account while also taking ecological and environmental factors into consideration.

3.3 The role of nation states in global land grabbing

The fact that the state plays a crucial role in the implementation of land grabbing was not clearly understood until March 2009, when the Ravalomanana government of Madagascar attempted to sell nearly a third of the country's arable land to a South Korean company⁴⁰⁷. This event shocked public opinion and prompted major institutions to pay attention to the role of the state in large-scale land acquisitions.

The international political community has blamed post-independence countries for large-scale land deals, claiming that land grabs mostly happen in countries with weak tenure security and land sector governance. It has been said that nations like Madagascar, Sudan, Ethiopia, Cambodia, and Vietnam are unable to provide the social safety nets, organized land markets, and security of land tenure required to uphold law and order and safeguard national borders. These states are frequently characterized as being weak, chaotic, or unruly, with the rule of law not fully enforcing its boundaries⁴⁰⁸.

⁴⁰⁵ Borras, Saturnino M., et al. "The Challenge of Global Governance of Land Grabbing: Changing International Agricultural Context and Competing Political Views and Strategies." *Globalizations*, vol. 10, no. 1, Feb. 2013, pp. 161–179, <https://doi.org/10.1080/14747731.2013.764152>.

⁴⁰⁶ Margulis, Matias E., and Tony Porter. "Governing the Global Land Grab: Multipolarity, Ideas, and Complexity in Transnational Governance." *Globalizations*, vol. 10, no. 1, Feb. 2013, pp. 65–86, <https://doi.org/10.1080/14747731.2013.760930>.

⁴⁰⁷ Wolford, Wendy, et al. "Governing Global Land Deals: The Role of the State in the Rush for Land." *Development and Change*, vol. 44, no. 2, Mar. 2013, pp. 189–210, <https://doi.org/10.1111/dech.12017>.

⁴⁰⁸ *Ibid.*

Research shows that the most troublesome elements of land transfers, forcible expropriation, speculative activity, corruption, and a lack of transparency, can only be resolved by strengthening governance. As a result, multilateral organizations have concentrated on improving the administrative and legal frameworks that control and monitor land transactions. Better contracts, free, prior, and informed consent, and the definition of land rights are a few examples of this. Building on past efforts, these projects prioritize the protection of clear and effective land rights, which are thought to be essential for encouraging the entrepreneurial spirit among the impoverished in developing nations, both in rural and urban areas⁴⁰⁹.

While defending property rights and advancing good governance are important initiatives, it's critical to recognize how they are intertwined within larger sociopolitical contexts. A more thorough understanding of state dynamics, including the goals of various stakeholders and the institutional capabilities of governments, is necessary in order to provide accurate evaluations and suggestions for land transactions. It's also critical to take into account the complex interactions that exist between formal legal frameworks, like property rights, and the informal power structures that influence decision-making.⁴¹⁰

Transactions between the host state and the investor are frequently categorized as either advantageous projects promoting food security and agricultural growth, or as exploitative undertakings evoking the worst aspects of neo-colonial tactics directed towards vulnerable populations overseas.

There are four main points of dispute about the involvement of nation states in land acquisitions. First, since the agreements are the product of mutual consent, it is highlighted that host governments are not helpless victims. They sell their territory, frequently for low prices, but they are not forced to accept foreign capital from more powerful economies. Because of this, states are typically heavily involved in land transactions; they frequently suggest transactions and work to entice investors to visit their nation in order to maximize earnings on "underutilized" areas. Brazil serves as a helpful illustration. The government actively reviews the land and analyzes the advantages and disadvantages of using it, carefully determining whether to sell a particular area to foreigners or keep it intact for the benefit of biodiversity⁴¹¹. Due to the government's established environmental regulations for the Amazon, both local and foreign investments in the Cerrado region, which is crucial to the region's biome, can be justified. As a result, while the area is somewhat protected, the ecosystem has suffered due to

⁴⁰⁹ *Ibid.*

⁴¹⁰ *Ibid.*

⁴¹¹ *Ibid.*

land acquisitions. The main cause of all of this is the government's active, rather than passive, political action favoring foreign capital⁴¹².

A second argument contends that because the lines between states that participate in land grabbing and those that are affected by it are frequently quite cloudy it is impossible to make a definitive distinction between them. As demonstrated by South Africa, many states have such severe internal disparities that land grabbing by private investors can happen at the state's expense. In other instances, foreign land investments are significantly influenced and controlled by local elites, who use bribery or corruption to control the phenomenon for their own financial gain⁴¹³.

According to the third point, national governments have reacted to land deals in rather diverse ways. For instance, Brazil has stricter regulations pertaining to foreign land acquisition, whereas Mozambique is quite permissive. This influences where these investments go, however in Brazil's instance, it appears to be more a question of personal preference for foreign investors than a true preventative measure⁴¹⁴.

The final argument discusses the various forms of power that a state may possess. The government implements and oversees various land agreements through the employment of the military, police, and legal system. In the instance of Colombia, the government has promoted the growth of plantations that are supported by drug traffickers and paramilitary groups, the same organizations that have used violence against small landowners⁴¹⁵.

These four components are fluid and interwoven, creating ever-changing situations, making superficial and generic analysis nearly impossible.

A sovereign state is described as a group of institutions that cooperate to achieve common goals inside a shared bordered area. Although the state's powers are included in its constitution, laws, and international agreements, regular discussions and different kinds of contracts give rise to complicated powers that threaten the state's authority and sovereignty⁴¹⁶. Agreements, especially those involving foreign parties, create conditions and regulations that constantly shape the environment in which they are applied, changing who is truly the "leader." It's also critical to take into account any potential conflicting goals when it comes to land purchase

⁴¹² *Ibid.*

⁴¹³ *Ibid.*

⁴¹⁴ *Ibid.*

⁴¹⁵ *Ibid.*

⁴¹⁶ *Ibid.*

agreements. Negotiations can be challenging to conduct in a way that actually benefits the host country when taking place in states with weak or corrupt governments⁴¹⁷.

Historically, a variety of factors have been associated with states that subsequently adopt commercial or economic inclinations. For example, several European nations ruled over geographically far countries in Africa, Asia, and Latin America throughout the colonial era. The colonizing country frequently had precedence over other states, assuring itself privileges, therefore they had great influence over domestic politics, laws that were enforced, and even trade agreements with other nations. True independence was not achieved by these governments after they gained independence because the old settlers wanted to keep their connections in place so they could continue to benefit politically and economically.

For instance, even though it was not a conquering nation, the United States has maintained political influence over the American continent. This is because following the Latin states' independence, it "substituted" the European nations.

American political action increased during the Cold War, especially in areas like Cuba where communist idealists were inciting insurrection. Operation Condor and other drastic measures to seize control of South America were prompted by American fears of discovering additional nations with communist preferences. This strategy entailed the CIA and FBI working with officials from Bolivia, Chile, Uruguay, Peru, and Uruguay in the 1970s and 1980s to overthrow South American politics by installing dictatorships that would be more "friendly" to the United States.

The strong American influence shows how weak and easily persuaded the Latin states were; they were willing to give up state power in exchange for potential economic benefits—including personal benefits—from a tight alliance with the United States. The previously examined Chevron example demonstrates this strong American impact. The Ecuadorian government was probably weak and had interests other than the welfare of its people and its land, as seen by its willingness to support the American firm at the expense of its own nation. This case highlights the power of an American multinational corporation that, for a variety of reasons, had significant influence in the particular case and became an authority in a foreign nation, as well as the power of the Ecuadorian government in permitting and supporting the practice of land grabbing. This power was granted by the host nation itself, not taken from it. The situation is different in the case of nations like China and India. They were referred to as developing nations in earlier centuries, but now they are major players in the world economy,

⁴¹⁷ *Ibid.*

despite the fact that considerable poverty still exists in some of their own regions, particularly in India. These nations have positioned themselves in relation to new and distinct investors as opposed to the increasingly disparagingly referred to Western ones. Their new approach, which is a little more in line with the cultures of the nations in which they invest, has contributed a portion of their success.

China and India always have the consent of the host state when seizing land, which helps them to hold onto their positions of power and influence. The political and economic circumstances that enable China and India to exert influence over weaker foreign governments, however, also have a major impact. It is notable in the instance of the Indian corporation Karuturi Agro Products Plc that operates in Ethiopia. In that case, the state sided with the multinational, disregarding its own culture and the will of its people, when the population protested the construction of offices on a hill venerated by the people.

Such a move by a sovereign state not only establishes its authority but also exposes its own vulnerabilities, and sometimes even its corruption, in giving in to pressure from outside interests.

Because the government and investors usually gain from this contradiction while the local population does not, evaluating the state's participation in land grabbing situations is difficult. The role of the state as a governmental entity of authority and sovereignty is losing its power due to increased interventions by international institutions that shape relations between different states. For this reason, in the case of land grabbing, a "double personality" of the host state is observed: it allows and often encourages foreign land investments while simultaneously experiencing strong influence from other states or institutions that shape its behavior.

In many cases in countries with weak and likely corrupt governments (at least partially), the choice to favor foreign investors is more due to personal interests, bribes, and political agreements. It is difficult to imagine that a state, after realizing that land investments cause social and environmental damage, would continue to support such practices. For this reason, it is easier to think that corruption, political manipulation, and personal interests play an essential role. In conclusion, the new global governance also includes states that no longer possess the true role of authoritative and sovereign actors over their territory. Instead, they have sometimes transformed into entities that often act on behalf of other actors and do not operate with the objective of helping their own country.

3.4 Ways to prevent land grabbing: effective measures or just words?

Recently, the corporate social responsibility (CSR) agenda, codes of conduct, and self-regulation have received more attention due to statements made by the World Bank endorsing "good governance" in large-scale land acquisitions. The International Food Policy Research Institute (IFPRI) and the World Bank contend that an international code of conduct (CoC) for businesses engaged in international land transactions should serve as the cornerstone for fair agreements that protect human rights and the environment. The idea behind these proposals is that foreign investments on underutilized or unprofitable property might benefit developing nations and provide employment. It has been noted that reality, however, is very different.

Since voluntary self-regulation and corporate social responsibility (CSR) do not impose any real restrictions on land grabbing, it appears that these strategies are ineffective. Companies would have to voluntarily comply by moral standards that defend the rights of the people whose lands are being acquired, prohibiting land appropriation without express agreement and providing sufficient information to both parties, in order for these "rules" or guidelines to be properly applied. Nonetheless, land-grabbing corporations typically oppose these attempts because they would increase the difficulty of investing in nations with "underutilized" land. Moreover, the many codes of ethics have no legal force behind them and no consequences for breaking them, which makes them essentially useless.

There have been many proposals made by various associations and institutions, all describing similar rules or recommendations. Therefore, one of these will be analyzed in detail to provide a general understanding of what is being proposed and how.

3.4.1 Action Aid 4 steps to prevent land grabbing

Action Aid has outlined 4 steps to prevent land grabbing. An analysis is necessary to observe whether these four actions can effectively ensure that large-scale investments do not result in land grabbing.

Step 1: "Fully implement the Tenure Guidelines"⁴¹⁸.

These guidelines are more specifically referred to as the Responsible Governance of Tenure of Land, Fisheries, and Forests.

⁴¹⁸ Wijeratna, Alex. Act on It: 4 Key Steps to Prevent Land Grabs 2 Act on It: 4 Key Steps to Prevent Land Grabs. May 2015. https://actionaid.org/sites/default/files/act_on_it_-_four_key_steps_to_stop_land_grabs.pdf

The member nations of the Committee on World Food Security (CFS) have approved these principles, which offer an extensive framework designed to guarantee tenure rights are respected and protected globally.⁴¹⁹

The Tenure Guidelines place a strong focus on inclusive and participatory governance structures. Communities impacted by decisions about land tenure are, in theory, directly involved in these procedures, guaranteeing that their opinions and concerns are taken into account when formulating policies and making decisions⁴²⁰.

The Tenure Guidelines place a high priority on the needs and rights of authorized tenure users. People and communities who rely on the land, fisheries, and forests for their livelihoods are included in this group, because these users have historically been marginalized and run a serious risk of being displaced when land is acquired. The guidelines seek to safeguard these people from exploitation and guarantee their continuous access to vital services by highlighting their rights and needs⁴²¹.

The Tenure Guidelines place a strong emphasis on women's rights. Women are essential to the management of natural resources in many areas, yet they frequently encounter significant legal and cultural obstacles that restrict their tenure rights. Ensuring that women have equal rights to land, fisheries, and forests as well as equitable representation in governance processes are essential components. This gender-sensitive strategy hopes to advance more equitable land governance⁴²².

A few crucial steps must be taken in order to put the Tenure Guidelines into practice.

First, in order to bring national laws and policies into compliance with the guidelines' tenets, nations must implement extensive legal reforms.

Furthermore, it is vital to enhance the ability of governmental establishments, civil society groups, and local leaders to proficiently execute the rules. Workshops, specialized training programs, and the creation of useful tools and resources can all help achieve this⁴²³.

The establishment of mechanisms to oversee the guidelines' implementation and keep parties accountable is another crucial step. Preventing abuses and guaranteeing equitable land deals necessitate the implementation of strong monitoring and accountability systems.

⁴¹⁹ *Ibid.*

⁴²⁰ *Ibid.*

⁴²¹ *Ibid.*

⁴²² *Ibid.*

⁴²³ *Ibid.*

Moreover, it is crucial to have easily accessible and efficient dispute resolution procedures to handle disagreements about property tenure. Inclusion, equity, and prompt justice for impacted parties should be the hallmarks of these procedures.

As Action Aid outlines, there are many advantages to fully implementing the Tenure Guidelines. It reduces violence, safeguards marginalized populations, advances sustainable development, and improves food security. By giving priority to the rights of lawful tenure users, with a special emphasis on women's rights, the rules aim to protect vulnerable populations from being taken advantage of or displaced. Communities may invest in and manage their resources sustainably when they have secure land tenure. Conflicts over territory, fisheries, and forests are less likely when land governance is open and inclusive. Ensuring local residents have accessibility to land and resources helps sustain their livelihoods, which improves food security⁴²⁴.

Step 2: “Ensure the free, prior and informed consent (FPIC) of all communities affected by land-based investments”⁴²⁵.

FPIC is a complete process that ensures communities have the power to accept or reject proposed actions and are sufficiently informed about land agreements that impact them. There are four essential parts to the FPIC process: Free, meaning that consent needs to be freely provided and unaffected by manipulation, pressure, or threats; Prior, meaning that permission must be sought well in advance of any authorization or start of operations; Communities must be informed about the project's nature, scale, pace, reversibility, scope, and potential effects on the economy, society, culture, and environment⁴²⁶.

FPIC is essential for a number of reasons. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and other international human rights frameworks support the rights of communities, especially indigenous peoples, to their land and resources. Additionally, by guaranteeing that communities participate in property transactions, FPIC stops exploitative activities and stops powerful groups from taking advantage of weaker populations⁴²⁷. Furthermore, FPIC promotes sustainable development by guaranteeing that initiatives are useful to local populations and socially acceptable, which reduces conflict and increases project success.

⁴²⁴ *Ibid.*

⁴²⁵ *Ibid.*

⁴²⁶ *Ibid.*

⁴²⁷ *Ibid.*

The importance of FPIC is demonstrated by the Indian company Karuturi Agro Products Plc. The Indian business attempted to build headquarters on a hill that the community considered holy. Despite the community's protests, the Ethiopian government chose to support the firm, ignoring the land's cultural and spiritual significance to the locals.⁴²⁸ This episode serves as a reminder of the need to secure FPIC and the negative effects of such oversight, such as disregard for cultural differences and community dissatisfaction.

Step 3: “Review public policies that fuel land grabs, and replace them with policies that prioritise sustainable land use and the needs of women and other small-scale food producers”⁴²⁹. Large-scale agricultural investments and corporate interests are unintentionally favored over the demands of local communities by many current laws. Large corporations can more easily purchase large tracts of land thanks to these regulations, which frequently provide tax exemptions, subsidies, or other benefits (often at the expense of small farmers and indigenous populations). To avoid uprooting the local population and destroying their means of subsistence, these incentives must be recognized and removed⁴³⁰.

Small-scale food producers are essential to food security in many developing nations, thus reforms should prioritize supporting them. Policies must be created to give these producers the tools, infrastructure, and training they need to increase their sustainability and production.

Another important factor is to encourage sustainable land usage. Long-term food security and the prevention of environmental damage depend on sustainable practices. Policies ought to encourage actions that save biodiversity, preserve natural resources, and lower greenhouse gas emissions. This can be accomplished by supporting agroecological techniques that combine forestry, livestock, and crops to build farming systems that are more resilient and fruitful⁴³¹.

Human rights and food security must come first in reforms. To do this, it is necessary to make sure that property acquisitions do not infringe upon the rights of nearby populations and actively aid in the fight against hunger. Securing tenure rights and fostering fair access to land and resources are two of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests (VGGT)'s principles, which governments should respect through policy⁴³².

All parties involved in the reform process, particularly those who are most impacted by land deals, should be included and encouraged to participate, like local communities, indigenous

⁴²⁸ *Ibid.*

⁴²⁹ *Ibid.*

⁴³⁰ *Ibid.*

⁴³¹ *Ibid.*

⁴³² *Ibid.*

peoples, and small-scale farmers. When developing and implementing new policies, their opinions and concerns must to be taken into consideration.

Setting up accountability and monitoring systems is also essential. To supervise the application of land policies and guarantee compliance, independent organizations ought to be set up. These organizations can also offer a forum for resolving disputes and complaints related to land transactions.

Lastly, in order to assist nations in reforming their policies, international cooperation and support are required. Development partners, international organizations, and donor agencies should coordinate their initiatives to support these reforms by offering finance, policy recommendations, and technical support.

Step 4: “Regulate businesses so they are accountable for respecting human rights and environmental, social and labour standards”⁴³³.

In order to guarantee that companies are held accountable during the land acquisition process, this stage necessitates the development of thorough legal frameworks and regulatory systems. Governments should first create comprehensive legal frameworks that specify the duties and obligations of companies engaged in property transactions. This involves putting laws into effect that uphold the rights of local populations, guarantee fair compensation, and require environmental protections. Additionally, these regulatory frameworks need to specify the consequences of non-compliance in order to discourage unfair economic practices⁴³⁴.

Before purchasing land, companies must also perform rigorous due diligence on human rights. In this process, the possible effects of their operations on local populations' rights, such as those to appropriate housing, a healthy environment, and access to land and natural resources, are analyzed. To make sure companies follow through on their pledges, human rights due diligence should be ongoing with frequent reporting and monitoring.

Governments should require that companies provide detailed information about their land transactions, including the persons involved, the terms of the agreements, and the expected impacts on the environment and local residents. By making this data available to the public, civil society organizations, regional communities, and other interested parties can examine these transactions and hold companies responsible⁴³⁵.

Additionally, impacted communities should actively participate in the choices made on land purchases. Prior to any land purchase, this entails getting their free, prior, and informed consent

⁴³³ *Ibid.*

⁴³⁴ *Ibid.*

⁴³⁵ *Ibid.*

(FPIC). Companies need to actively participate in community discussions, offering all pertinent information and resolving community concerns. Participation from the community in the process aids in defending their rights and interests⁴³⁶.

Finally, companies ought to develop and execute corporate social responsibility (CSR) strategies in compliance with global benchmarks, including the OECD Guidelines for Multinational Enterprises and the United Nations Guiding Principles on Business and Human Rights. Businesses should be obligated by these rules to uphold human rights, ethical behavior, and sustainable development⁴³⁷.

These well-organized standards could play a significant role in guaranteeing transparency in foreign land investments if they are appropriately applied. Regretfully, as was previously said, these rules are worthless and only beneficial in theory because they are neither legally binding or subject to mandatory enforcement. Numerous non-governmental organizations criticize the lack of global accords that guarantee the successful implementation of initiatives such as those suggested by ActionAid.

⁴³⁶ *Ibid.*

⁴³⁷ *Ibid.*

Conclusion

This study has examined the various angles of the land grabbing phenomenon to illustrate its prevalence and growing importance in recent years, despite its existence for centuries. The analysis has shown that land grabbing can be defined in various ways, institutional support can be offered, and policies can be proposed to regulate it. However, in reality, there is a clear winner and loser, with the latter representing all local populations oppressed by a system that does not protect them.

Various issues related to the phenomenon have been addressed across the three chapters, especially in the second and third ones, and the outcomes have been similar despite the diverse cases and opinions considered.

In the first chapter, in addition to a general overview of the phenomenon and its historical development, the causes leading many foreign countries to invest abroad through such investments were analyzed. Besides the 2008 global food crisis, often considered the primary cause, factors such as Foreign Direct Investments (FDI) in the Global South, new European and American policies favoring biofuels, international trade agreements proposed by major international organizations (like the WTO), and land speculation following the financial crisis as a "safe harbor" investment have significantly incentivized the phenomenon.

It was crucial to observe how state sovereignty is severely tested by foreign land investments, as the actors tend to take control of the acquired land and often behave like true "chiefs," as if there were a separate legal framework from that of the state they are in. Additionally, multiple contracts that "protect" foreign investors' lands for 30 or 40 years from future new laws serve as an incremental freedom of these territories from government authority. Consequently, state sovereignty is undermined, especially when new actors have full control over the resources on the acquired land, using them at their discretion without considering the environmental impact of potential exploitation, and deciding who can enter their area and how, effectively exercising power beyond that of the "typical" investor. The paragraph also touches on the issue of the lack of recognition of the rights of local populations living in the territories ceded to investors, a topic discussed more extensively in the subsequent chapters.

The second chapter, the most substantial part of the study, demonstrates the reality behind these large-scale land investments.

Africa, the continent most affected by land grabbing, suffers from a capitalist neocolonialism aimed at extracting resources from the territory and using the land for the profits of foreign companies, to the detriment of the local population. As seen, almost all agricultural production

in Africa by Chinese companies is exported abroad because it is more profitable, leaving locals without the benefits of Chinese investments. Moreover, Chinese workers, considered more efficient, are often employed instead. Not only China but also India and Gulf countries are among the primary perpetrators of land grabbing in Africa, along with European countries and the United States.

It can be said that the continent continues to be influenced and manipulated by external actors. While in the past, it was only Westerners, in recent years, some Asian countries have joined the list. This is particularly favored by governments incapable of acting in the best interest of their country and often corrupt or easily manipulated, as favoring foreign companies at the expense of the local population and environment would not make sense without an intricate web of interests.

Regarding the analyzed cases in Laos, such as Chinese investments in banana plantations and the China-Lao Railway, it was observed that the population has accepted their new condition, though with notable differences in the two cases. In the first case, despite losing their land by selling or leasing it to Chinese investors (under significant pressure from them) and suffering the environmental consequences of banana production, most locals were in favor of these investments because they economically benefited from them, prioritizing financial gains over other factors. The power of money and the ambition for wealth made coexistence between Laotians and Chinese investors easier, although some protestors remained steadfast in their principles.

In the case of the railway connecting Laos to China, Laotian citizens supported this development despite environmental damage, harm to elephant habitats, and the enormous debt Laos holds with the Chinese EXIM Bank. The railway, however, is seen as an investment that brings and will bring many benefits to the country, economically and socially, even though its implementation required substantial Chinese financial aid, covering 70% of the project. The government thus decided to prefer greater Chinese influence to gain an important new infrastructure for the country.

While Chinese companies' *modus operandi* is generally straightforward and direct, European companies' approach is more intricate. Due to strong legislation, investors must find ways to exploit existing laws to carry out foreign land investments. This often creates a complex network involving financial actors, companies based in the EU or abroad, investment funds, and European institutions, making it difficult to find the "culprit." Despite many documented cases and the EU's awareness of this phenomenon, there seems to be no genuine effort to counter

it. In some instances, the European Commission has even funded companies later found to engage in land grabbing abroad.

In summary, European institutions, which have always claimed to defend human rights, do not seem to take the damage caused by their companies abroad seriously, or even in Europe, as land grabbing occurs not only in Asia, Africa, and Latin America. They propose policies and codes of conduct that will never be effective since they are non-binding and lack consequences for those who do not comply.

What is difficult to understand is why, when companies are seriously accused of land grabbing and exploitation, such as Loro Piana in Peru and Benetton in Argentina, no actions are taken to investigate the situation. It seems that worker exploitation and human rights violations, when committed abroad or in less scrutinized areas of Europe, are of little interest to the European Union, and it is not hard to imagine that part of this indifference stems from numerous financial and economic agreements beyond common understanding.

If the European Union has fallen short of expectations, the United States has been no more satisfactory, starting with the fact that finding well-explained and argued cases of land grabbing by American companies was challenging, despite it being one of the leading countries engaging in it. Many well-known companies were mentioned, but without detailed examination, complicating the research. However, the case of universities and university funds was interesting, as education is not commonly associated with such issues, involving numerous legal and financial intrigues.

The Chevron case in Ecuador was particularly striking due to its scale and the fact that, despite decades, local populations have not given up and continue their fight against the oil giant. It exemplifies power on one side, the American one, and submission on the other, the Ecuadorian government, which sided with the multinational at the expense of its citizens and its territory damaged by the company.

The role of the state in land grabbing is examined in the third chapter, alongside an analysis of the World Bank's stance on large-scale land acquisitions, as well as the policies aimed at preventing land grabbing. Through an in-depth analysis of the World Bank's 2009 report, "Rising Global Interest in Farmland: Can it Yield Sustainable and Equitable Benefits?", which elaborates on the various motivations supporting land investments, it becomes evident that, contrary to the World Bank's assertions, poverty is not alleviated by these investments; rather, in many instances, there is a marked deterioration of the living conditions of the local populations.

The central thesis of the World Bank posits that reducing poverty necessitates foreign investment from wealthy nations, which should respect local communities, assist them, and bolster the local economy. This idealistic perspective overlooks the reality that foreign investors rarely prioritize the well-being of local populations. Driven by power and profit, these investors often seek to circumvent any barriers to achieve their objectives. The notion of solidarity between such disparate social classes is rare and commonly acknowledged as unrealistic.

Therefore, supporting the World Bank's thesis appears illogical, as there are no binding obligations for companies to act ethically, nor are there sanctions in place. The World Bank's extensive use of charts and tables, which analyze the extent of underutilized or unused land in various countries, as well as the potential for cultivating commodities like maize, soybean, wheat, and oil palm, underscores the institution's strong endorsement of this practice. However, this perspective fails to consider that the lands deemed underutilized are often inhabited by small landowners who depend on this land for their livelihood.

It is not surprising that the World Bank, in conjunction with the IMF, supports a phenomenon that enriches the affluent while impoverishing the disadvantaged. This pattern was evident during the 1970s and 1980s with the structural adjustment programs imposed by the IMF, which economically disadvantaged certain countries while benefiting foreign actors. Hence, it is rather utopian to believe that significant global institutions genuinely advocate for the interests of less developed countries.

Favoring wealthy nations, investment funds, and multinational corporations benefits a complex network of political and economic actors who rarely strive to improve the world without self-interest. Even in "honest" scenarios, it is nearly impossible to monitor all situations effectively, given the high levels of corruption, which steer actions towards profit and away from the true objectives.

In recent decades, these institutional actors have amassed significant power, leading to a form of global governance that shapes international policies and economies. This is facilitated by numerous organizations, such as the UN, NATO, WTO, IMF, FAO, and others, which, comprising numerous countries, can establish common guidelines to, for instance, streamline trade or universally promote human rights. This dynamic results in diminished state power, as states often must conform to the decisions of actors with greater authority.

In the context of land grabbing, this creates a dual role for the state: it authorizes or denies foreign investments and international agreements, yet simultaneously cedes territorial

sovereignty to foreign companies, at times being manipulated to favor these entities. It can be argued that the perceived power of the state in managing foreign land investments is partly illusory, as it is subject to external political and economic pressures. For example, Laos may accept Chinese investments due to economic convenience, political pressure, and geographical proximity, but this does not necessarily reflect an autonomous decision by the state. Rather, it is a choice driven by the options presented by the investing country.

It appears that the lines dividing states are increasingly blurred, and the legislation of one state does not always apply uniformly across its territory. This complicates the legal actions needed to combat land grabbing, although it might be the only viable solution.

Various institutions and organizations have proposed codes of conduct, guidelines, and policies aimed at guaranteeing human rights, ensuring fair treatment of local populations, protecting the environment, and providing clear and transparent information. These proposals are logical and reasonable; however, without legal enforcement, they remain ineffective. No company knowingly engaged in land grabbing would voluntarily adhere to such initiatives, as it would undermine their business interests.

In conclusion, this thesis has demonstrated that land grabbing is an increasingly relevant phenomenon that remains largely unregulated. Institutions that should be regulating or proposing solutions often support these practices, thereby enabling an exploitation that should not be legalized in the twenty-first century. This results in a division between countries that act and those that suffer, with the complicity of the governments of the latter, creating a new form of colonialism that persists unchecked. The ongoing protests by affected populations, such as those in Ecuador against Chevron or the Mapuche people in Argentina against Benetton, show that despite being in the right, these communities are ignored, abandoned, and sometimes labeled as terrorists (as in the case with Benetton). The protests in March 2024 in Washington against the World Bank by ethnic minorities from developing countries underscore how institutions cater only to those from whom they can benefit, now including countries like India and China alongside the traditional Western powers.

The objective of this thesis is to understand the global phenomenon of land grabbing and encourage actions that reflect this awareness. If companies operate unethically, it is partly because consumers buy their products without considering the underlying consequences. If there were a collective consciousness advocating for companies that respect the environment, uphold human rights, and act ethically, significant change might be possible. Unfortunately, this appears utopian given the lack of transparency from companies and an

inherent selfishness that leads people to ignore these issues, acting only in their self-interest. Therefore, this phenomenon is likely to continue unchecked, until some powerful state or institution decides it is time to take a different path. However, this is only likely to happen when resources are depleted, land is fully occupied, and oppressed populations are left wondering if they are living in the twenty-first century or the age of colonialism.

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