TNI Agrarian Justice Programme
Discussion paper

Competing political tendencies in global governance of land grabbing

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Abstract

The emergence of 'flex crops and commodities' within a fluid international food regime transition, the rise of BRICS and middle income countries, and the re-valued role of nation-states are critical context for land grabbing. These global transformations that shape and are reshaped by contemporary land grabbing have resulted in the emergence of competing interpretations of the meaning of such changes, making the already complex governance terrain even more complicated. We are witnessing a three-way political contestation at the global level to control the character, pace, and trajectory of discourse, and the instruments in and practice of land governance. These are 'regulate to facilitate', 'regulate to mitigate negative impacts and maximize opportunities', and 'regulate to block and rollback' land grabbing. Future trajectories in land grabbing and its governance will be shaped partly by the balance of state and social forces within and between these three political tendencies. Given that this is a still-unfolding global development, this paper offers a preliminary analysis by mapping under-explored areas of inquiry and puts forward initial ways of questioning, rather than firm arguments based on complete empirical material.

Key words: land grabbing, large-scale land acquisitions, flex crops, CFS Voluntary Guidelines.

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Introduction: Changed context for global land governance

Reports of land grabbing from various parts of the world continue to come in. Media, international organizations, and non-governmental organizations (NGOs) remain the main sources of these reports. Estimates of the extent of land grabbing vary. There is no consensus as to how much land has been changing hands and on the methodologies of identifying, counting and quantifying land grabs (see Margulis 2013 and McKeon 2013). But there is a consensus that land grabbing is underway and that is significant (White et al. 2012). Land grabbing occurs in Africa (Cotula 2012), but also in the former Soviet Union and Central Asia (Visser and Spoor 2011), Latin America (Borras, Franco, Kay, Gomez, and Spoor 2012), and Asia. There are at least three important ways in which land grabbing manifests today. Grabbing land for purposes of using it as a factor of agricultural production to produce food, feed, biofuels and other industrial products is probably the most common type. In addition, there is the emergence of 'green grabbing' – land grabbing for environmental ends (Fairhead, Leach and Scoones 2012). Water grabbing is another important dimension of contemporary land grabbing (Kay and Franco 2012; Mehta, van Veldwisch and Franco 2012, Woodhouse 2012). The latter two require grabbing land in order to secure the resources they covet.

Global land grabbing is partly associated with the rise of what we call 'flex crops and commodities': crops and commodities with multiple and flexible uses – across food, feed and fuel complexes and industrial commodities (think of corn which is eaten fresh, frozen or canned; use to produce industrial sweeteners such as high-fructose syrup; processed into animal feed and milled to produce ethanol which is blended with conventional gasoline to fuel vehicles, and so on). These crops are produced in tropical and temperate countries, partly resulting in the rise of interest in land in both the South *and* North. Flex crops and commodities have implications on global governance as a single crop/commodity straddles multiple commodity sectors (food, feed, fuel, other industrial commodities), geographic spaces (e.g. North-South), and international political economy categories (e.g. OECD countries, non-OECD countries). The four currently most popular flex crops are maize, oil palm, soybean and sugarcane. The increases in global aggregate production in terms of quantity and area harvested have been significant during the past fifty years, with greater increases during the past two decades. Many large-scale land investments are located in the flex crop and commodity sector.

Meanwhile, another sector where global land grabbing is implicated in is the fast-growing tree plantations. It is in a lot of ways a kind of 'flex crop/commodity' – these are trees and forests with multiple and flexible uses, the emergence of which is traceable to the same changes in the global political economy that ushered in the rise of flex crops. Tree plantations can be used for timber extraction for industrial purposes destined especially to BRICS. But the same plantation can be anticipated for possible rise in wood chips-based biofuel complex, while at the same time it can be used to speculate on carbon offset schemes such as REDD+ (Reducing Emissions through Deforestation and Forest Degradation). During the past decade, the rise in popularity of this sector, and the land use implication it has brought with

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it, has been observable. The sector is likely to expand even more in the coming time (see Kroger 2012).

There is thus a significant change in the global political-economic context that has given rise to flex agricultural commodities (food and non-food) that are associated with the current land grabbing. The character of these political economic changes is relevant in understanding global governance of land grabbing.

The phenomenon of land grabbing has forced some national governments to pass laws and policies in order to regulate land deals, with varying initial outcomes. For example, several Southern American countries have tried to prohibit or control the 'foreignization' of land ownership, yet it is in this part of Latin America where large-scale land deals remain widespread (Wilkinson et al 2012, Murmis and Murmis 2012, Perrone, this volume, Urioste 2012; Borras et al. 2012). Because of the international dimension of land grabbing, there has been increasing pressure for specifically *global* governance instruments to tackle the issue of land grabbing. Initiatives have proliferated, ranging from corporate self-regulation mechanisms around 'codes of conduct' (see von Braun and Meinzen-Dick 2009; but see Borras and Franco 2010 for an initial critique) to (inter)governmental measures, such as the FAO's Voluntary Guidelines for the Governance of Tenure of Land, Fisheries and Forest passed on 11 May 2012 (FAO 2012).

Various state and social actors view land grabbing differently. Some look at it as opportunity, others threat. This has led to what we identify as three competing political tendencies among state and non-state actors with regards to global governance of land grabbing: first is *regulate in order facilitate land deals*, second is *regulate in order to mitigate adverse impacts and maximize opportunities of land deals*, and third is *regulate to stop and rollback land deals*.

This paper offers a *preliminary* analysis touching on key elements in the changing global-political economic context for land grabbing, including flex crops, food regime transition, and role of the state, as well as the rise of three competing political tendencies in emergent global land governance. It maps under-explored areas of inquiry and offers initial ways of conceptualizing and questioning global land grabbing, rather than firm arguments based on solid and complete empirical material. The rest of the paper is divided into two main parts: a discussion on the changing global context for governance, and an analysis of the three competing political tendencies. We end with a short conclusion.

Changing food regime, flex crops/ commodities and the role of national states

Recent changes in the global context relevant to global land grabbing have rendered existing international governance instruments such as those by FAO (various Voluntary Guidelines), Human Rights Council (human rights conventions), International Labour Organization, among others (see Edelman and Carwil 2011, Monsalve 2013, Sawyer and Gomez 2008), including corporate self-regulation instruments useful to contemporary debates around land grabbing, but probably in a limited way.
It is important to examine these international governance instruments within the context of pre-existing structural and institutional conditions and trends including the on-going fluid transition towards a 'polycentric' food regime, the rise of flex crops and commodities, and the (changing) role of national states – and their implications for global governance of land grabbing.

A fluid transition towards a polycentric food regime?

Food regime is a powerful analytical framework developed by Harriet Friedmann and Philip McMichael (1989).
An international food regime is the set of formal and informal rules that govern the production, distribution and consumption of food on a world scale, embedded within the development of global capitalism. It is thus a huge concept covering a wide range of issues. For the purposes of this paper, we are concerned with only the small aspect of the role of the state in anchoring the food regime in terms of rule-making.

In terms of institutional powerholders, the first food regime that existed was anchored by the British empire starting in the 1870s and lasted until the eve of World War I. Food was inserted into global capitalist development by having colonial and settler economies produce cheap grains and meat via extensive agriculture and for export to the centers of capital in Europe to feed the working classes. The second food regime started in the 1930s and lasted until the early 1970s, and was anchored by the United States (US). Chemical-based and mechanized agriculture in the US produced food surpluses, which were dumped in developing countries largely through food aid, partly feeding working classes in these countries with cheap food (McMichael 2009). There is no consensus among key scholars on whether there is a third regime, and if so, what it is and what is the power and

institutional anchor, although they tend to agree that powerful Transnational Corporations (TNCs) tend to rule the regime in a neoliberal context (McMichael 2012).

What we are witnessing recently seems to be the emergence of new players wanting to gain power in terms of reshaping international rules that govern the production, distribution and consumption of food and other closely related commodities embedded within the ongoing reconfiguration of key hubs of global capital. These powerful actors seem to be seeking 'regime change'. Key actors in this context are BRICS countries, some powerful MICs (middle income countries), and OECD countries (e.g. South Korea), and the Gulf States (see McMichael 2012, Margulis and Porter 2013, Woertz 2013, Lee and Muller, 2012). There is a trend showing the increases in these countries' share in the production, distribution and consumption of food and closely related commodities. Meanwhile, some powerful MICs, such as Argentina, Chile, Mexico, Indonesia, Malaysia, Thailand, Vietnam, among others, have posted similar trends in terms of their share in the production, distribution and consumption of these commodities. This means that BRICS, collectively, are not just massive importer/consumer countries any longer; it is an important producer of these key commodities at the same time. In this process, the states in these countries seem to be trying to reshape the international rules in the production, distribution and consumption of food and related commodities. Many of these countries are trying to decrease their reliance on the North Atlantic powerholders (via TNCs) for their food security, nor are the latter able to demonstrate continuing ability to wage hegemonic control over the food regime. Thus, we see increasing instances where the challengers to the regime try to secure foothold in the production of food and other agricultural commodities in distant territories (McMichael 2012; see also Akram Lodhi 2012).

This does not mean that the emergence of challengers to the traditionally North Atlantic-based food regime has marginalized the conventional powerholders. Europe and the US remain key players in the global food systems and in the dynamics of regime rule making. Especially in light of the financialization of (agricultural) production, North Atlantic-based finance capital has been increasingly involved in land deals. The fluid transition to what seems to be an emerging polycentric regime cautions us from either remaining fixated on the traditional imperialist powers or from getting overly obsessed of the new regime rule-makers (of China especially).

Whether these changes are going to lead to a full and stable regime remains to be seen. The transformation is dynamic and fluid for the time being. The fluidity of the transformation process, as well as the plurality, diversity and distinct character of new key players, have made global governance more complicated than what existed in the past. For instance, how do we make US-headquartered pension funds accountable for the implications of their land investments? Civil society organizations (CSOs) and their transnational advocacy campaigns have been key to state-society interactions on global governance. However, historically they were used to interact with international institutions that have something to do with the North Atlantic powers and other key OECD countries. How are they going to interact with new players such as China, India, Gulf States, Vietnam, and others that are not the usual players in the transnational state-civil society interaction terrain, and with which there are no prior channels and patterns of interaction?

Initial scanning of the global political terrain tells us that there are no answers to these questions that are readily available to CSO campaigners, one of the key players in the global governance scene.[2] In our experience, CSOs have been trying hard to implicate North Atlantic-based countries and companies to land grabbing, but find less cases that *directly* implicate these to land grabbing as compared to those that directly link China, India, South Korea, Brazil, South Africa and the Gulf States. There are three key issues that are potentially important to CSO campaigners to link, directly and indirectly, North Atlantic-based countries and companies to land grabs: (i) the US and European biofuel policy, (ii) financialization of agriculture that involves finance capital that originates from and/or based in this region, and (iii) green grabbing linked to North Atlantic - brokered or - influenced international climate change mitigation policies (carbon sequestration, and so on) (Fairhead et al. 2012). (Inter)state-civil society interactions involving traditional key players are likely to revolve around these land grabbing subthemes.

But the emergence of BRICS countries, MICs and the Gulf States as key players in food regime rule-making dynamics have rendered the traditional repertoire of international campaigning by CSOs inadequate in many ways partly because there are no existing channels and

2 Based on participant-observation research by the authors.

rules of institutional interactions between them. It is not only that CSOs do not know how to deal with states like the Gulf States, it is also the other way around. As Woertz (2013) explains: "Gulf counties are ill prepared to engage with [CSOs]". This situation is likely to make multilateral institutional spaces such as the UN and regional inter-governmental bodies such as the African Union, ASEAN even more relevant to CSO campaigns (see McKeon, this volume; McKeon 2010). CSOs' interest and commitment to the UN CFS Voluntary Guidelines process partly demonstrates this (refer to an initial discussion by McKeon 2013, on the dynamics of negotiation process around the VG). Whether these spaces will be adequate and appropriate to tackle the issue of land grabbing is another matter, and requires careful empirical investigation.

The rise of flex crops and commodities

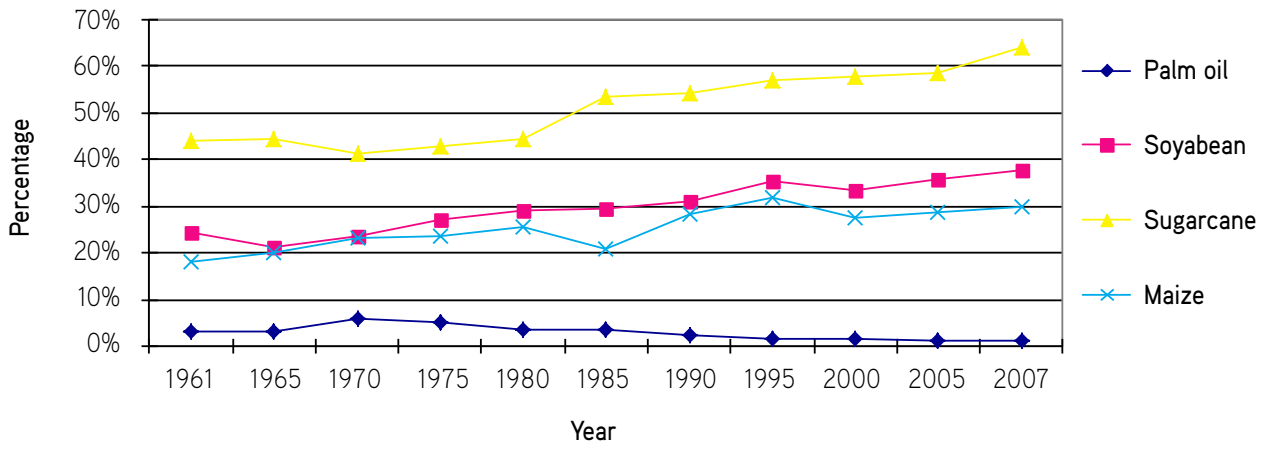
The BRICS countries have significant and increasing share in the world's total production of four flex crops (see Figure 1). If we bring in MICs into the mix, then Indonesia and Malaysia, together, corner the majority share in the production of palm oil worldwide. The BRICS countries have large economies – home to 43% of the world's population and have 26.3% of world's total agricultural land (from FAOSTAT 2010) – and as such constitute large markets for flex crops and commodities, as shown in Figure 2 which is the aggregated imports data. Some MICs are also important producers and exporters of flex crops and commodities, e.g. Argentina on soya, Malaysia and Indonesia as world`s biggest exporters of palm oil, Vietnam on fast-growing trees and products, and so on.

A trend to watch is the increasing *intra-BRICS/MICs* flex crop/commodity trade, and its implications on global agrarian transformation more generally.

The rise of flex crops and commodities has far-reaching and complicated implications for global governance. For one, there is a blurring of sectoral boundaries and sectoral governance instruments. Transnational governance mechanisms are generally structured by sector or theme, namely, food, feed, energy/fuel, forestry, climate change mitigation strategies, and so on. How then can one categorize soya that falls within three categories of food, feed and energy/fuel, and which sectoral rules apply? How can one categorize palm oil that falls under the categories of food, fuel, industrial goods, and which sectoral rules apply? As a consequence, there is a complication in terms of framing a particular issue and policy advocacy campaign especially for civil society organizations. It fragments the political space and makes single-issue focus advocacy campaigns more difficult.[3]

As mentioned earlier, when a CSO launches a campaign for biofuels-related governance around palm oil it is easy for oil palm industry players to claim that theirs has nothing to do with biofuels as it has to do more with food products (e.g. cooking oil) or other industrial commodities (e.g. shampoo), as the usual debate around Indonesian palm oil goes (White and Dasgupta 2010). Indeed while oil palm plantation expansion has been inspired by market expansion of biofuels in the European Union (McCarthy 2010), the immediate production in Indonesia remains largely for non-biofuel markets. Hence, it weakens policy advocacy campaigns by many CSOs using biofuels as an anchor issue.

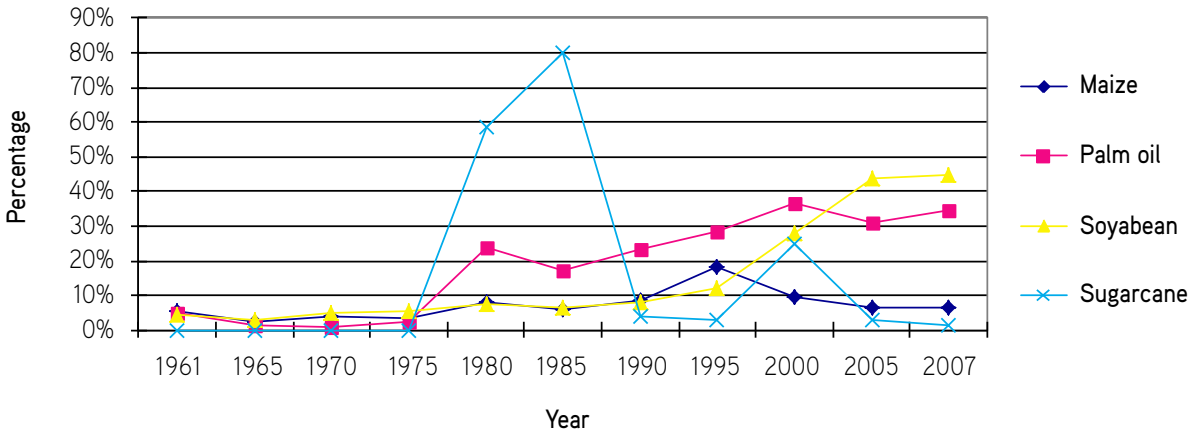
Figure 1 **BRICS`s share in selected flex crop production, world total (%)**



Source: FAO Statistics (FAOSTAT)

3 We thank one of the reviewers for suggesting to us to make our point on this more specific.

Figure 2 **BRICS`s share in selected flex crop imports, world total* (%)**



* Sugarcane is low most likely because of the fact that Brazil, India and South Africa are important producers of this crop.
Source: FAO Statistics (FAOSTAT)

This is even more complicated when we extend the issue to 'indirect land use change' (ILUC) in a global context. When rapeseed in Europe, which was previously used for food industry, were converted to feedstock for domestic biodiesel production, a substitute for the previous use was necessary: thus importing palm oil from Asia (Franco et al. 2010). It becomes more difficult for CSO to directly pin down imported palm oil for the food sector as linked to biofuels (see Fortin and Richardson 2013). This is a similar complexity in other flex crops/commodities: corn, soya, sugarcane, and industrial trees.

One implication of the flex crop/commodity phenomenon is the complexity in understanding land grabbing. Observers tend to simplify data on land grabbing and the contexts for this phenomenon. An example is the claim by the International Land Coalition (ILC) that 60 percent of grabbed lands are devoted to biofuels (ILC 2011a). Such an inaccurate reading may inadvertently lead to problematic propositions for policy reforms or demand framing in transnational policy advocacy campaigns. This is even more complicated if we bring in the concept of flex trees and forests and the various possibilities in it: forests are captured, some are planted with fast-growing trees; when there is a good market for timber products, timber products are produced and sold; if and when wood chips as feedstock to biofuel are required, biofuel feedstock these become; when REDD+ contracts are speculated, these tree plantations can be converted into conservation sites for cross-border carbon off-set deals.

Key role of national states

In our analysis of various country cases of land grabbing, we realize that national states are engaged in systematic policy and administrative initiatives aimed at capturing so-called 'marginal lands' for large-scale investments. The role of the state in facilitating land investments in these spaces include some, or all, or a combination of the following: (i) 'invention/justification' of the need for large-scale land investments, (ii) 'definition, reclassification and quantification' of what is 'marginal, under-utilized and empty' lands; (iii) 'identification' of these particular types of land; (iv) 'acquisition/appropriation' of these lands, and (v) 're-allocation/disposition' of these lands to investors. Only national states have the absolute authority to carry out these key legal-administrative steps to facilitate land deals. Most of these lands are within the legal-administrative-military control of national states. In some cases, coercion and violence have accompanied state's effort at territorialisation, enforcement of its sovereignty and authority, as well as its promotion of private capital accumulation (Grajales 2011).

Stepping back, and looking at the big picture, there emerge three broadly distinct but interlinked areas of state actions that enable states to facilitate land grabs, namely, (i) state simplification process, (ii) assertion of sovereignty and authority over territory, (iii) coercion through police and (para) military force to enforce compliance, extend territorialisation, and broker for private capital accumulation. First, in order to administer and govern, states engage in simplification

process to render complex social processes legible to the state. The creation of cadastres, land records and titles are attempts at simplifying land-based social relations that are otherwise too complex for state administration (Scott 1998). This requires state's official powers at recording land relations and (re)classifying lands. This in turn brings us back to the notion of 'available marginal, empty lands'. The trend in state discourse around land grabs seem to be: if the land is not formally privatized, then it is state-owned; if official census did not show significant formal settlements then these are empty lands, if the same official census did not show significant farm production activities, then these are un-used lands. Second, beyond the economic benefits of land investment, land deals are also viewed as essential component of state-building process where sovereignty and authority are extended to previously 'non-state spaces' (Scott 1998). Third, coercion and violence usually with the use of police and (para)military to enforce compliance to state simplification project and the broader state-building process have accompanied some of the land deals in various parts of the world (see e.g., Grajales 2011 on Colombia; Woods 2011 on Burma; Peluso and Lund 2011 more generally).

This three-fold state role in land deals is carried out to a large extent on behalf of the dominant classes of capital, foreign or domestic. However, as Fox (1993) explains, the state's support for capital accumulation process is always accompanied by the other task of the state to maintain a minimum level of political legitimacy. This makes capital accumulation and political legitimation inherently interlinked and contradictory, tension-filled, uneven and contested, across space and time. The crucial role of national states in land grabbing has rendered attempts of international governance of land grabbing a complicated undertaking. It will be a challenge for intergovernmental institutions to make these national governments responsive to international rules. This is doubly complicated in settings marked by 'land grabbed land grabbers', i.e. countries where land grabbing occurs, but from where some land grabbers in other countries also originate from. Brazil is a good example. The Brazilian state was quick to move to regulate foreign ownership of land in Brazil in response to popular sentiment against it, but at the same time it is actively supporting Brazilian companies grabbing lands in other countries such as Bolivia, Paraguay and Mozambique (Wilkinson et al. 2012, Sauer and Leite 2012, Galeano 2012, Urioste 2012).

In short, the rise of flex crops and commodities within an on-going fluid food regime transition, the rise of BRICS and MICs, and the re-valued role of central states are critical context for global land grabbing. While some may see this global restructuring as an opportunity, others may see it as a threat. This has led to the emergence of three political tendencies, each of which seeks to influence the nature, pace, and trajectory of global governance. We examine these three tendencies in detail in the next section.

Competing tendencies in global governance of land deals

It is difficult to find any individual or institution engaged in the issue of land grabbing today that does not raise the issue of governance (for definitional discussion of global governance, refer to the Margulis, McKeon and Borras, this volume). Many of the contentious themes in current land grabbing are in fact governance-related, such as IFPRI's early advocacy for 'codes of conduct' (von Braun and Meinzen-Dick 2009), World Bank's 'principles for responsible agricultural investments' (RAI principles), FAO's Tenure Guidelines, advocacy for transparency in land investments, issues around community consultations (Vermeulen and Cotula 2010), issues about contents of land deal contracts (Cotula 2011), advocacy for a set of minimum human rights principles to address land grabbing (De Schutter 2011; Kunnemann and Monsalve 2013), calls to stop land grabbing by La Via Campesina and allies (Via Campesina 2012), among others. There is a plurality of initiatives around and positions on the issue of governance of land grabbing. The differences between these positions can be significant, their political implications far-reaching.

Examining closely the emerging literature on land grabbing (i.e., academic, policy and CSO activist materials) and observing the various unfolding policy and political processes,[4] we have come to an initial observation that the dynamic (re)positioning done by multiple (inter)state and non-state actors in terms of transnational governance of land grabbing seem to be fall under three discernible political tendencies. These tendencies are not sharply defined and fixed, hence a tendency, and each is in turn internally variegated. The three tendencies are, (a) *regulate to facilitate* land deals, (b) *regulate to mitigate negative impacts and*

4 During the past four years, the authors have participated in UN Committee on World Food Security process, engaged in various CSO activities around land grabbing, discussed with various national government officials, providing us important insights that in turn led us to our framing of the three political tendencies.

maximize opportunities, and (c) *regulate to stop and rollback* land grabbing. These three tendencies have provenance in recent alignment of forces in at least two important agrarian fronts. The first one was the political contestations around the World Trade Organization (WTO) negotiation in the 1990s. We saw more or less the same type of political groupings and trajectories: anti-WTO led by Via Campesina, pro-WTO led by neoliberal ideologues, and a huge grouping somewhere in between with some closer to the latter, while others to the former, such as the now defunct International Federation of Agricultural Producers (IFAP). This has been examined by Desmarais (2007) and by Borras, Edelman and Kay (2008). The second one was the emerging realignment of social forces among diverse food movements. Holt-Gimenez and Shattuck (2011) have examined the various groupings and political trajectories of these movements, and have identified more or less the same three broad trajectories, and they have identified nuances within each camp such as those between food justice and food sovereignty movements. More broadly, these political contestations are extensions of ideological struggles over the notion of 'development', and as such link back to relevant historical debates depending on one's particular academic discipline.

Coming back to our present three political tendencies: these trajectories are in turn embedded within the changing global context we discussed above: the rise of BRICS and MICs, rise of flex crops/commodities, and the repositioning of national states. The underlying ideological and political bases for these positions are markedly different.

Regulate to facilitate land deals

The first current is premised on the belief that interest in large-scale land deals is a desirable phenomenon where states and the corporate sector have become interested in land (again) (Deininger 2011). The basis in pushing for this development offensive is the fundamental assumption that there exists marginal, empty lands in the world, estimated to be somewhere between 445 million ha in the minimum and 1.7 billion ha in the maximum, that can be made available to address the multiple food-energy-financial-climate crises (World Bank 2010). The anticipated positive outcomes of land deals can be achieved when such deals are carried out *well*. It can be surmised that part of the excitement in this camp can be linked back to the rise of flex crops (often also referred to as 'high value crops') that in turn attracted the interest of investors. Governance, in this case, is based on two most fundamental assumptions in neoclassical and new institutional economics: clear property rights and functioning of free market forces (Deininger 2011). Juergen Voegele, director of the Agricultural and Rural Development Department of the World Bank explained that:

> *"[W]hen done right, larger-scale farming can provide opportunities for poor countries with large agricultural sectors and ample endowments of land. To make the most of these opportunities, however, countries will need to better secure local land rights and improve land governance. Adopting an open and proactive approach to dealing with investors is also needed to ensure that investment contributes to broader development objectives." (World Bank 2010: xv).*

Governance tends to be seen from administrative and technical perspectives, as for example: faster, cheaper, and clearer land titling. The concept of transparent land transaction builds primarily on mainstream economists' concern about efficiency and functioning of free market forces. Hence their call for strengthened property rights, environmental and labour standards, greater community consultation, and the use of some international governance instruments such as transparency mechanisms in land deals (e.g. free, prior, informed consent, or FPIC) (Deininger 2011) is meant to facilitate capital accumulation within an efficient institutional context. This one too links back to the context we discussed above: the changing role of the state. Here, mainstream economists who do not usually like the state coming into the picture, is calling the state back in to facilitate the identification, quantification, acquisition and disposition of so-called available marginal lands. In a way, this tendency is one of strategic thinking: overall, renewed large-scale land investment is good, and that some collateral damage may occur but can be tactically addressed by deploying a variety of 'good' governance instruments.

Regulate to mitigate negative impacts and maximize opportunities

The second tendency around the position of mitigating negative impacts while harnessing opportunities is based on the twin assumption of 'inevitability' of large-scale land deals and 'impossibility' of redistributive land and rural development policies to promote small-scale farming-based development. The 'genie is out of the bottle' kind of argument of 'inevitability' of land grabbing – and so, live with

it. The 'win-win-win' position's basis and justification are captured in the Washington-based International Food Policy Research Institute's (IFPRI) earlier explanation (von Braun and Meinzen-Dick 2009: 2): "Because of the urgent need for greater development in rural areas and the fiscal inability of the developing-country governments to provide the necessary infusion of capital, large-scale land acquisitions can be seen as an opportunity for increased investment in agriculture." This tendency also gravitates around the narrative that land deals are relatively a welcome development in the midst of state neglect of the rural sectors. Key to this position is the idea of linking small farmers to the corporate sector. This position is illustrated in the policy position by IFAP (released before its demise in October 2010) on biofuels and land use debate:

> *"The production of food and feed remains paramount for the farmers of IFAP; however, biofuels represent a new market opportunity, help diversity risk and promote rural development. … Recently, biofuels have been blamed for soaring prices. There are many factors behind the rise in food prices, including supply shortages due to poor weather conditions… The proportion of agricultural land given over to producing biofuels in the world is very small: 1 percent in Brazil, 1 percent in Europe, 4 percent in the United States of America, and so biofuel production is a marginal factor in the rise of food prices. The misconceptions about biofuels are important to overcome for a farming community that has long suffered from low incomes. Bioenergy represents a good opportunity to boost rural economies and reduce poverty, provided this production complies with sustainability criteria. Sustainable biofuel production by family farmers is not a threat to food production. It is an opportunity to achieve profitability and to revive rural communities." (IFAP quoted in FAO 2008).*

This tendency also deploys a number international governance instruments to support its position: strengthened property rights to protect the land rights of people, environmental and labour standards, greater community consultation, and particularly the use of transparency instruments such as free, prior, informed consent (FPIC). However, in contrast to the first current that deploys these instruments clearly to strategically advance land deals, the second tendency deploys these governance instruments based on urgent tactical considerations: to mitigate negative impacts and maximize opportunities. Regular reports and policy positions from Oxfam are examples of this (see, e.g. Oxfam 2011, Oxfam 2012). Explicitly and implicitly linked to the calculation of risks and opportunities by CSOs campaigning within this tendency are the same risks and opportunities brought about by flex crops/commodities, discussed earlier. The discussion on regulation within this political tendency also links back to the changing role of the state. It is clear here that the role of the state is identified as key in terms of mitigating risks and harnessing opportunities: enforceable rules that prevent people getting expelled from their land, delivering the promised jobs, and so on. This tendency is invested in global standards and 'best practices' to provide benchmarks for what states should do.

It is the urgency of the 'here and now' situation in many localities that require immediate concrete solutions that inspires and mobilizes groups and individuals around the second tendency. Thus, in contrast to what seems to be a more strategic thinking underpinning the first tendency, this second current is more tactical: it is principally concerned of what is happening now and what can be done to protect poor people.

Regulate to stop and rollback

The third tendency is the 'stop and rollback land grabbing' position. The fundamental assumption in this current is that the contemporary expansion of production for food, biofuels, feed and others are not really meant to solve world's hunger, poverty and environmental degradation, but to further capital accumulation for the insatiable corporate hunger for profits. For this camp, this process of capital accumulation advances a development model based on large-scale, fossil-fuel based, industrial, monocrop plantations that expel people from their land and degrades the environment. This camp's starting point is a stand against capitalism, often bringing in a strong anti-imperialist and anti-neocolonial dimension in its position. It sees the rise of flex crops more from a 'threat' perspective. La Via Campesina, the transnational agrarian movement, in stark contrast to the IFAP position on biofuels, declared:

> *"The current massive wave of investment in energy production based on cultivating and industrial processing of… corn, soy, palm oil, sugar cane, canola, etc, will neither solve the climate crisis nor the energy crisis. It creates a new and very serious threat to food production by small farmers and to the attainment of food sovereignty for the world population. It is claimed that agrofuels will help fight climate change. In reality, the opposite is true… If we take into account the whole*

cycle of production, transformation, distribution of agrofuels, they do not produce less greenhouse gases than fossil fuels, except in some cases. Meanwhile, the social and ecological impacts of agrofuel development will be devastating… They drive family farmers, men and women, off their land. It is estimated that five million farmers have been expelled from their land to create space for monocultures in Indonesia, five million in Brazil, four million in Colombia…"
(Via Campesina 2008)

Like the first two tendencies, this third current takes on board similar international governance instruments: property rights for the people (although not limited to western private property ideas, to include communal and community property regimes), environmental standards, community consultations, and transparency instruments, such as free, prior, informed consent (FPIC). It links back again to our discussion earlier about the changing role of the state, although in this case it is quite clear that the appeal is for the state to intervene more forcefully on behalf of poor peasants. However, it is framed in a radically different way from those by the first two tendencies. This third tendency deploys these international governance instruments in order to 'expose and oppose', stop and rollback land grabbing. The third tendency is captured by a statement of the 'Global Alliance Against Land Grabbing' which was convened by La Via Campesina and allies in November 2011 in Mali. It says partly:

"Land grabbing is a global phenomenon initiated by local and transnational elites, governments and multinational companies in order to control the most precious resources in the world… [It] exceeds the traditional North-South split that characterizes imperialist structures. Land grabbing displaces and dislocates communities, destroys local economies, cultures and the social fabric. It endangers the identity of communities be they peasants, small-scale farmers, pastoralists, fisherfolk, workers, indigenous peoples… Our land and identities are not for sale… There is no way to attenuate the impact of this economic model and of the power structures that defend it. Those who dare stand up to defend their legitimate rights and survival of their families and communities are beaten, imprisoned and killed… The struggle against land grabbing is a struggle against capitalism…"
(Via Campesina 2012: 21-22).

The third tendency is like the first tendency; it is a strategic perspective, as if saying, 'this is not the kind of agriculture/development we want; another agriculture/development is possible.' Hence, alongside its general call to stop and rollback land grabbing is their call for an alternative, which in turn brings us to the currently most popular one: food sovereignty (see Patel 2009 for a background).

The three tendencies are more or less stable analytical constructs, but key state and non-state actors and their political stands are dynamic and constantly changing, often straddling two or three tendencies depending on the particular configuration of issues and alliances, overtime. This is partly because of the differentiated nature of relevant international/transnational actors; they are not monolithic entities. For instance, it is not very useful to think of a single position on global land grabbing within the World Bank, FAO or IFAD. Sub-groups within these institutions may gravitate around a particular tendency, and may also shuffle different positions over time. But for the time being, we argue that the World Bank probably hosts much of those inclined towards the 'regulate to facilitate' tendency, La Via Campesina and close allies in the 'regulate to stop and rollback' position, while many groups, NGOs (such as Oxfam), aid donors, international development agencies, and community organizations may be in various shades of the 'regulate to mitigate negative impacts and maximize opportunities' tendency. Again, recall the earlier position by IFPRI.

These three tendencies are likely to compete with each other in their interpretations of key international governance instruments, how to use these, and for what purposes – in some ways similar to the political competitions around the WTO negotiations (Desmarais 2007) and range of positions on the food question among food movements (Holt-Gimenez and Shattuck 2011). For example: all the three tendencies identify community consultation and transparency instruments (e.g. FPIC) as critical, but have three competing interpretations and advocacies – all in support of their political positions. It is linked to how they perceive the role of the state should be. The process of competing interpretations is inherently political and relational, and is better understood from the (inter)state-(civil) society interactions perspective, and not through technical and administrative lenses. Hence, it will be wrong to look at the recently passed Tenure Guidelines on Land Tenure by the UN Committee on Food Security (CFS) as a governance instrument that is common instrument to the three tendencies with uniform and standard meaning. As explained by Franco (2008), once laws and policies are passed, they do not self-interpret or self-implement. It is the political interaction of various state and

non-state actors that will shape how the Voluntary Guidelines will eventually be interpreted and implemented, from one setting to another (refer to McKeon and the discussion on the Tenure Guidelines, and by Seufert 2013, for initial examination of this process). We should then expect at least three versions of the actually existing Tenure Guidelines and other global governance instruments (e.g., transparency, human rights) in the coming time.

Political contestations around the implementation of the Tenure Guidelines will partly be an extension of the political contestations during the negotiations. Underlying the tensions during the negotiation was partly the ideological divide that underpins the three political tendencies discussed here. Foodfirst Information and Action Network (FIAN) is a key coordinator of CSOs working during the negotiations. In a brief, they raised the alarm and identified the fundamental source of tension:

> *"With the support of Canada, Australia and the private sector, the USA insisted that economic growth, the strengthening of markets and investment are absolutely key to eradicate poverty. Thus, they refused - or tried to weaken - any policy measures beyond market mechanisms such as restitution, redistribution and the establishment of regulations guaranteeing security of tenure... in favour of indigenous peoples, peasants, fishermen and women and nomadic pastoralists." (FIAN 2011, n.p.; emphasis added)*

Did the negotiations lead to a consensus on the 'lowest common denominator', which could mean a set of Tenure Guidelines that is not necessarily weak per se, but one that can be interpreted in many different ways? Most likely. BRICS countries were among the supportive ones for the Tenure Guidelines during the negotiations. Again, at the height of the negotiation, FIAN's observation was illuminating:

> *"Particularly striking was the widespread hostility of states to recall their human rights obligations related to land, fisheries and forests. Fearing that the Guidelines will create new obligations or become too prescriptive, many governments did all they can to weaken the language and the recommendations of the Guidelines. For indigenous peoples this attitude is particularly worrying because the first draft of the Guidelines falls far behind the rights recognized in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). It took several hours of negotiation with Canada and the USA to move them to accept in the text of the Guidelines the incorporation of the indigenous peoples' right to free, prior and informed consent (FPIC) as enshrined in UNDRIP!" (FIAN 2011, n.p.)*

Meanwhile, there seems to be no major internal contradictions within the first current, save for some unverified talks about tension within the World Bank between those who emphasize 'investment' and those who emphasize 'regulation' (probably underpinned by a purist neoclassical versus reformist new institutional economics fault-line). But there are major dilemmas within and between the second and third tendencies. As mentioned earlier, the strength of the second tendency is its grave concern, quite rightly so, about the 'here and now' issues (expulsion of people from their land, shady land deals, and so on), placing them in very good *tactical* political and policy position and to manoeuver in global policy spaces. No wonder this is the most popular tendency among the three among key state and non-state actors at the international, national and local levels. The potential pitfall of this tendency is if and when it loses strategic perspective, getting engaged from one specific tactical policy and political battle to another, whether around specific land deals or around international policy instruments. The best scenario for this political tendency then is to win many tactical battles – i.e. special local land cases or specific governance instruments and processes – but in the end lose the strategic battle over development paradigm.

The first two tendencies share several common features. If we take a closer look at the World Bank's proposition on governance of large-scale land deals and the role of key actors, we will realize that it is cast in a generic way that either 'regulate to facilitate' and 'regulate to mitigate/ maximize' will be able to identify with it:

> *"Responsible investors interested in the long-term viability of their investments realize that adherence to a set of basic principles is in their interest; many have committed to doing so under a range of initiatives, including ones with a governance structure incorporating civil society and governments.*
>
> *Civil society and local government can build critical links to local communities in three ways: educating communities about effectively exercising their rights; assisting in the design, negotiation, implementation, and monitoring of investment projects where requested; and*

> *acting as watchdogs to critically review projects and publicize findings by holding governments and investors accountable and providing inputs into country strategies.*
>
> *International organizations can do more to support countries to maximize opportunities and minimize risks… First, they can assist countries to integrate information and analysis on large-scale acquisition into national strategies. Second, they can offer financial and technical support for capacity building. Third, there is scope for supporting stakeholder convergence around responsible agro-investment principles for all stakeholders than can be implemented and monitored. Fourth, they can help establish and maintain mechanisms to disseminate information and good practices on management of land acquisitions by incorporating experience and lessons from existing multi-stakeholder initiatives." (World Bank 2010: xliv)*

The logistically superior first political tendency and the popular second political tendency are objectively allied. Both of them tend to emphasize *procedural* issues and corresponding governance to these. This can be seen in broad coalitions or initiatives that key players in both tendencies are present, such as the International Land Coalition (ILC), which is a coalition of international financial institutions or IFIs such as the World Bank and IFAD, intergovernmental institutions such as the FAO, aid donors such as Oxfam, and NGOs such as the Asian NGO Coalition (ANGOC), funded by multilateral agencies such as the World Bank and by bilateral agencies, with an international secretariat funded and housed by IFAD in Rome (see Borras and Franco 2009 for a background). The ILC's Tirana Declaration for example defines land grabbing mainly based on procedural questions: They declared:

> *"We denounce large-scale land grabbing… which we define as acquisitions or concessions that are one or more of the following: (i) in violation of human rights, particularly the equal rights of women; (ii) not based on free, prior and informed consent of the affected land-users; (iii) not based on a thorough assessment, or are in disregard of social, economic and environmental impacts, including the way they are gendered; (iv) not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and; (v) not based on effective democratic planning, independent oversight and meaningful participation" (ILC 2011b, n.p.).*

This is, arguably, not significantly different from the 'principles of responsible agricultural investments' (RAI principles) put forward by the World Bank or the Code of Conduct initially proposed by IFPRI. If this type of global governance instrument continues to be the dominant objective of this dominant alliance, it is reasonable to expect that the trend in and character of contemporary land grabs will continue, but that the *manner* in which land deals are done may change: from non-transparent and non-consultative to transparent and consultative land grabs – but land grabbing, just the same.

Meanwhile, the 'stop and rollback' tendency's strength is its firm commitment to strategic questions, treating the problematic within a framework of *competing development models*, firmly rooted within an anti-capitalist stance. It stays away from a too procedure-centred advocacy work, and emphasizes questions around *substance and meaning* of land deals. It is focused on explaining why there is global land grabbing, why we should oppose it, and why it is important to think of a strategic alternative. But what seems to be a serious limitation with this tendency is what seems to be the weak tactical political positioning. It is relatively less concerned and involved in tactical issues (local cases or governance instruments), in contrast to the second current. For instance, it seems to be silent on and staying away from tactical issues around labour standards in the emerging plantation enclaves, which is understandable as its analysis of the problem and framing of alternative is small farm-centred. It seems to be lukewarm toward some issues related to international governance instruments, such as transparency instruments. These issues (labour standards, transparency instruments) are important mechanisms for tactical mass mobilizations and campaigns. Defaulting on these issues is likely to result in less than vibrant international campaigns to stop and rollback land grabbing because mass campaigns usually need tactical foci and occasional tactical victories in order to agitate and mobilize mass participants and sustain mass participation. Campaigns that are very strategic in nature, advanced mainly via broadly cast issues and master frames may, at best, bring the issue onto the official agendas and occasional news – but unlikely to push for substantial reforms (see Keck and Sikkink 1998: 201).

One dilemma in the context of global governance then is: if the 'regulate to mitigate' tendency remains quite popular and influential but overly tactical in its work, while the 'regulate to stop and rollback' tendency remains logistically weak (e.g. least funded among all groups campaigning around land

grabs) and relatively politically isolated with strategically framed campaigns without much tactical components – in the context of an objectively allied first and second political tendencies, then we are likely to see continuation of land grabbing and its legitimization in global rule-making, only with possible changes in the *manner* of how it is being carried out. A transnational governance framework, or a transnational policy and political advocacy work that aspires to have *substantial and procedural* changes in the current large-scale land investments is only likely when it is it is able to combine -- and combine well -- strategic and tactical issues and political master frames and manoeuver. *This means an alliance, objective or otherwise, between key actors in the second and third tendencies*. Tension and conflict are likely to mark such an alliance because of the differences in their histories, class bases, ideological frameworks, and political perspectives.

Concluding discussion

There have been important recent changes in the international political economy of agriculture and the environment This transformation has partly led to the rise of new international players and alliance among them, namely BRICS, some MICs, and the Gulf States, the rise of flex crops and commodities, as well as the repositioning of the central state as a key actor in development process. This has implications on international and national governance of land grabbing. What we have done in the paper is to identify emerging key issues in global governance of land grabbing, albeit in very preliminary manner.

There are a number of important points we raised in terms of changing context. First, a regime transition, albeit still quite fluid, from North Atlantic-anchored global food regime towards a more polycentric global food and agrocommodity regime where rules, rule-making and rule-makers are being contested and recast. Second, the blurring of boundaries between the sectors of food, feed, energy, climate change mitigation strategies, finance, and industrial/commercial complexes – and the subsequent blurring of governance boundaries between them, resulting in, among others, far more complex terrain for social movements and civil society campaigners. Third, the complication in terms of area of jurisdiction and level of intervention in terms of global governance amidst repositioning of the central state as a key actor in contemporary land and grabbing. This is complicated because of the dual contradictory task of the central state in facilitating capital accumulation while maintaining a minimum level of political legitimacy. In several countries, this is doubly complicated because of being countries of destination *and* origin of land grabbers, such as Brazil and Argentina. How will international governance instruments aimed at addressing land grabbing going to look like when these hit the *national* political terrain of governance? This is one of the key empirical questions that need to be answered in the future.

The recent global agrarian transformations that shape and are reshaped by contemporary global land grabbing have resulted in the emergence of competing interpretations of the meaning of such dynamic changes, making the already complex terrain of global governance around land grabbing even more complicated. What we have at the moment and what we are likely to witness in the future is a three-way political battle to control the character, parameters and trajectory of discourse, as well as the instruments in and practice of global governance of land grabbing. This struggle is between the three tendencies, namely, 'regulate to facilitate', 'regulate to mitigate negative impacts and maximize opportunities', and 'regulate to block and rollback' land grabbing. Each tendency has its own take and interpretation of transnational governance policies and instruments. In this context, the recently passed Voluntary Guidelines and global governance instruments such as transparency mechanisms and human rights instruments (see, e.g. De Schutter 2011, Monsalve 2013, Edelman and Carwil 2011) will become both objects and arenas of this three-way political contestation. It is therefore not about the technical and administrative *form* of governance instruments that are crucial especially since everyone endorses transparency, consultation, accountability and the Tenure Guidelines. The more crucial points are inherently political: the actual interpretation of the meaning and the transformation into authoritative instruments of (inter)national governance mechanisms to tackle the problem of land grabbing. Therefore, implementation will be an even more contested process and important site of struggle than negotiating the rules has been.

Whether (trans)national agrarian movements and their allies will be able to mobilize, to get connected with communities at land grab sites, and to (re)interpret and influence the direction of implementation of the Tenure Guidelines and the use of various other global governance instruments remains to be seen. It will depend partly on how – and how well – they are able to (re)frame their political actions around land grabbing. Such a reframing would need to address some

of the disconnect that exists between the changing context and the movements' campaign master frames that aspire to influence the broader global governance of land grabbing. For example, campaigns around oil palm and land grabbing remain framed around biofuels -- a politically weak framing given the emergence of the flex crop phenomenon. Biofuels as a master frame thus needs to be critically re-assessed. Similarly, land reform, which is a national governance instrument, remains a key demand put forward in response to land grabbing, even though: (i) many land grab sites involve lands that were previously redistributed to small farmers via land reforms; and (ii) many land grabs occur in indigenous peoples' lands and their historic demand has never been land reform. Hence, land reform too needs to be critically re-assessed as a master frame (see Borras and Franco 2012 for an initial discussion on this). Meanwhile, many international campaigns remain narrowly focused on conventional principal targets (e.g., North Atlantic-based TNCs and governments) in spite of the more polycentric character of the emerging global food and agrocommodity regime. Integrating BRICS and MICs as campaign targets – a crucial first step toward carrying out more effective policy advocacy campaigns within this new global political-economic context – is therefore another difficult challenge confronting (trans)national agrarian, environmental and human rights movements. Each of these tasks will need attention if movements are to effectively increase their influence in global governance around land grabbing.

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AGRARIAN JUSTICE PROGRAMME

In recent years, various actors, from big foreign and domestic corporate business and finance to governments, have initiated a large-scale worldwide enclosure of agricultural lands, mostly in the Global South but also elsewhere. This is done for large-scale industrial and industrial agriculture ventures and often packaged as large-scale investment for rural development. But rather than being investment that is going to benefit the majority of rural people, especially the poorest and most vulnerable, this process constitutes a new wave of land and water 'grabbing'. It is a global phenomenon whereby the access, use and right to land and other closely associated natural resources is being taken over - on a large-scale and/or by large-scale capital – resulting in a cascade of negative impacts on rural livelihoods and ecologies, human rights, and local food security.

In this context TNI aims to contribute to strengthening the campaigns by agrarian social movements in order to make them more effective in resisting land and water grabbing; and in developing and advancing alternatives such as land/food/water sovereignty and agro-ecological farming systems.

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