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## Land Grabbing

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### Synonyms

[Foreign investment in agriculture](#); [Land acquisitions](#); [Land grabs](#); [Large-scale land acquisitions](#)

### Introduction

The application of force to coerce individuals to illegally give up their land or the otherwise illegal dispossession of land, a process known as “land grabbing,” is a violation of human rights – the arbitrary deprivation of property outlined in the *Universal Declaration of Human Rights* (Article 17). Land grabbing is the most legally and ethically problematic form of large-scale land acquisitions. However, if direct or indirect force is not applied in the process of large-scale land acquisitions nor any laws broken and the individuals involved receive sufficient benefit in exchange for their land, are the exchanges necessarily ethical? Based upon a human rights-based perspective, this entry argues that human rights cannot be analyzed in isolation, but must be evaluated in totality in order to contextualize the vulnerability and duress experienced by those transferring their

land. In doing so, it expands our conceptualization of what is considered “land grabbing” and what is not. Over the last decade, the majority of large-scale land acquisitions have taken place in countries where human rights are violated. In order for large-scale land acquisitions to be ethical, human rights must be met and protected to ensure that choices are truly free and fair. This is not a practical argument, made to improve the process, but an ethical argument based upon protecting the lives and livelihoods of smallholder farmers and pastoralists, ensuring their choices are truly free and fair, not simply the product of a lack of options made from a position of vulnerability.

### Land Grabbing and Basic Human Rights

The definitions, characteristics, and trends of large-scale land acquisitions are detailed elsewhere in the volume (see “► [Land Acquisitions for Food and Fuel](#)”). “Land grabbing” is the sale or lease of land that is used on a permanent, seasonal, or cyclical basis by individuals who have not agreed to the transfer of that land, whose land is taken by illegal means, with or without force. International organizations, governments, and researchers focus upon large, foreign land acquisitions exceeding 5,000 hectares in size. The utility of this qualification is challenged below. Land grabbing occurs in diverse contexts, resulting in a range of negative outcomes. Consequences typically include displacement, loss of

income and livelihood, deepening of vulnerability, food insecurity and undernourishment, biodiversity loss, and environmental damage to air, land, and water (e.g., Makki and Geisler 2011; Shete and Rutten 2015). National priorities, such as attracting foreign direct investment or entrenching political control, can encourage or facilitate land grabbing at the expense of small-scale farmers and pastoralists, whose land is transferred to investors (Lavers 2012; Rahmato 2014).

Land grabbing is a subset of the much larger process of large-scale land acquisitions. The phenomenon is not new, but has occurred at an unprecedented scale during the past decade. Large-scale land acquisitions are often justified as a means to increase agricultural productivity and efficiency or that such transfers take place in areas where land is un-/underused. Advocates of land acquisitions point to examples of good agricultural investment practice that benefit all parties as evidence that large-scale land acquisitions are ethical. However, the positive examples tend to be atypical arrangements, such as public-private-community partnerships (e.g., Djire et al. 2012). In most instances, the impact on individuals and communities transferring their land to investors has been negative. Investors may grow nonfood crops or export their yields, decreasing the amount of food commodities available in local markets. Investors may overuse and pollute water resources, decreasing food production and quality within the vicinity (Via 2011). A World Bank study of large-scale land acquisitions demonstrated that investments did not create a significant amount of employment, which would act as a replacement for lost livelihoods (Deininger et al. 2011). Households that previously relied upon their own land for food consumption become reliant upon scarce and inconsistent employment income and are affected by volatile food prices, thus increasing their vulnerability to food insecurity (Hossain and Green 2011). A “surplus” of labor, due to mechanization or crop choice, creates high levels of unemployment and can force wages down (Li 2014). The negative outcomes are particularly pronounced in countries where the rule of law is weak, where governments have a limited ability to monitor

activities and enforce contracts, and wherein human rights are regularly violated.

Margulis (see “► [Land Acquisitions for Food and Fuel](#)”) defines large-scale land acquisitions as unethical when they are contrary to the principles of sustainable development and when an unfair burden is placed upon the poor to produce for the wealthy. While this is laudable progress in assessing unethical practices in large-scale land acquisitions, this entry argues the most suitable place to understand the ethics of large-scale land acquisitions is with the individuals and communities affected and by analyzing the conditions within which their choices are made.

In the case of land grabbing, a legal rights violation takes place, that of the right to property and the protection against unlawful dispossession of that property. Within the context of large-scale land acquisitions, the illegal dispossession of land represents a minority – however many land acquisitions take place in areas of contested land ownership or wherein individuals and communities have not been granted appropriate property rights. Margulis (see “► [Land Acquisitions for Food and Fuel](#)”) argues that when those affected by land acquisitions have “some form of meaningful input” and when there are “significant economic and social benefits for communities,” large-scale land acquisitions can be ethical. However, the meaningfulness of such input is lacking if the focus is only upon coercive power. When human rights are not protected, meaningful input is spoken from a position of vulnerability and duress wherein few viable alternatives exist. It is, therefore, unethical to take the land and livelihood from individuals, families, and communities when they are experiencing a deprivation of human rights. Autonomy in decision-making is insufficient when those decisions are made from a position of vulnerability. This is an important consideration because a significant amount of large-scale land acquisitions that have taken place in the last decade have occurred in countries where human rights are not being met (Human Rights Watch 2016; Land Matrix 2015), thus calling into question the ethical nature of large-scale land acquisitions taking place in such contexts.

Suppose that a community of 250 households is coerced by the army to vacate their land, uncompensated, to make way for investors. This is unethical because their right to property is violated. Now, suppose the 250 households left on their own volition, but under the veiled threat of force by the army. This choice is not considered one made freely and fairly due to duress, and therefore the acquisition of that land is unethical. Next, consider a single household within that community that lacks the ability to pay for desperately needed healthcare for an ailing child. The household is offered a fraction of the value of the land and due to vulnerability and duress accepts the offer as a means to access the needed care. Just as the threat of violence was considered as unethical due to duress, this exchange should similarly be considered unethical, as not being free and fair due to vulnerability and duress. Finally, suppose the community of 250 households has no access to clean water, education, healthcare, roads, markets, and other basic services, wherein chronic extreme poverty is the norm. The army offers access to these desperately needed services in exchange for their land, which will be provided by the national government in the area wherein they are being relocated. The community members accept and leave, and investors take over their land. Just as the single household had decided under duress and from a position of vulnerability, this communal decision should also be considered as having been made under duress, a result of chronic poverty, a lack of opportunities, and a result of having no access to basic services. Thus, in order for land acquisitions to be considered ethical, based on free and fair decision-making, all individuals involved should have their human rights met and protected. This would alleviate the duress and position of vulnerability, resulting in willingness due to choice rather than willingness due to a lack of viable alternatives.

Philosophers who have contributed to our understanding of human rights and social justice, including Kant and Rawls, considered decisions made under duress as not being free and fair. Individuals and communities experiencing chronic poverty, food insecurity, and ill-health

encounter daunting choices with limited opportunities. For example, approximately 800 million people are chronically undernourished and are not free from hunger (see “► [Human Rights and Food](#)”). Such individuals do not experience security of person, nor have they attained an adequate standard of health and well-being (Articles 3 and 25 in the *Universal Declaration of Human Rights*). While cognizant of the challenges, individuals who experience difficulties such as extreme poverty and chronic food insecurity are often left to choose between unfavorable options. For some, the consequence of their vulnerability results in the sale or lease of their land. That choice, however, should not be considered as having been made freely and fairly due to the duress and vulnerability caused by poverty, hunger, and ill-health. In order to have a willing-buyer and willing-seller agreement, the seller must not be forced, either directly by coercion or indirectly by extreme poverty. An ethical land acquisition, therefore, can only occur when those involved have their human rights met and protected. The minimum standard of human rights required would include the right to food, housing, education, healthcare, and security of person. The present objective is to outline the ethical case against large-scale land acquisitions made in contexts where these basic human rights are violated, not to list required rights, nor how those rights ought to be met and by whom.

This entry is not about how to facilitate business or to identify avenues to improve the practice of large-scale land acquisitions. Nor is this an entry about how local, national, and international food needs should best be met. This entry is about the ethics of large-scale land acquisitions, which commonly occur in contexts where human rights are violated. The ability to provide meaningful input is negated when human rights are lacking. Choice is neither free nor fair when individuals and communities have to decide between food, healthcare, and education and their land and livelihood. Requiring that basic human rights be met and protected for a land transfer to be ethical is politically problematic and appears to be impractical. However, it is not always necessary to be practical and pragmatic; change occasionally

requires envisioning a future world that is inspirational and visionary. As it relates to food and agricultural ethics, when Peter Singer began writing about animal rights in the 1970s (e.g., Singer 1975), many felt the ethical argument was not practical or politically viable; however the way animal rights are thought about has dramatically transformed since that time. In many parts of the world, poverty is pervasive. Requiring that human rights be met for large-scale land acquisitions to be ethical may prohibit business due to the neglect or the inability of governments. However, setting aside the need of foreign direct investment and the desire for increasing the flow of trade and instead focus upon the ethics of large-scale land acquisitions with regard to human rights, it is possible to envision a future wherein the absence of human rights amid such transactions would be considered abhorrent. This is an ethical case that inspires thought toward a future wherein all people, in all places, have their human rights met and protected.

### **Beyond Large-Scale Land Acquisitions**

The academic and activist land grabbing discourses focus upon large, foreign agricultural investments. However, individuals and communities are negatively impacted by more than large foreign investors and the ethical consideration of land grabbing ought to be inclusive of those broader experiences. Activists and scholars have pointed out that significant amounts of land being transferred go to national investors, as opposed to foreign ones. While these acquisitions tend to be smaller, they occur in a much greater number. For example, between 2004 and 2009, nationals were transferred 97 % of land acquisitions in Nigeria, 78 % of land acquisitions in Sudan, 53 % of land acquisitions in Mozambique, and 49 % of land acquisitions in Ethiopia (Deininger et al. 2011). A similar process, a violation of human rights, enables these land acquisitions to take place. The poorest members of society are the most vulnerable to shocks, such as crop disease and commodity price fluctuations, as well as to challenges arising from outside of the agricultural realm, such as ill-health. A widow may sell her land because

she lacks the resources to take care of her family, and a grandparent may sell her land due to healthcare debt. Li (2014) has pointed out that the loss of land and livelihood in these forms takes place within legal, long-term capitalist relationships. These sales, although technically legal, are not free or fair. The choices are made because no viable alternatives exist. Thus, when human rights have not been met or protected and due to the lack of options and opportunities, the poorest members of society can become landless, without a livelihood and disenfranchised due to micro-land grabbing. The processes, size, and rate at which these transfers take place differ, but the cause of duress and vulnerability is the same: human rights are being violated and “willingness” is a product of a lack of options. It is noteworthy to add that these land acquisitions are not a result of poor inheritance laws, but of “willing-buyer, willing-seller” exchanges wherein the seller may only be “willing” because of duress and vulnerability caused by poverty, willingness when no other choices are available.

### **Conclusion**

The process of illegally disenfranchising and displacing people from their land and livelihood, defined here as land grabbing, violates the right to property and the protection from unlawful dispossession of that property. The rights to property and protection from disenfranchisement, however, must not be considered in isolation from other human rights, such as security of person and an adequate standard of health and well-being. Concepts of consent, meaningful input, autonomy, and participation ought to be considered as being made under duress and from a position of vulnerability due to the deprivation of these human rights. Even if an individual has the right to property, a violation of other human rights, and the resulting vulnerability of those violations, creates an illusion of choice, willingness because no alternatives exist. An ethical large-scale land acquisition, therefore, can only be conducted when all parties involved have their human rights met and

protected, enabling them to make free and fair choices.

## Summary

This entry has argued that choices are only free and fair and decision-making only meaningful, when human rights are met and protected. The majority of large-scale land acquisitions that have taken place in the last decade have occurred in countries where human rights are not being met (Human Rights Watch 2016; Land Matrix 2015), thus calling into question the ethical nature of large-scale land acquisitions taking place in such contexts. This entry also challenged the focus on large, foreign acquisitions, because the scale of smaller, domestic acquisitions can be just as large in totality and equality as problematic.

## Cross-References

- ▶ [Food Security](#)
- ▶ [Food Security and International Trade](#)
- ▶ [Human Rights and Food](#)
- ▶ [Land Acquisitions for Food and Fuel](#)

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