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# LAND GRAB?

*The Race for the World's Farmland*

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# CONTENTS

<b>Introduction and Acknowledgments</b>	<b>1</b>
<i>Michael Kugelman</i>	
<b>PART I: OVERVIEW AND GENERAL PERSPECTIVES</b>	
<b>International Investments in Agricultural Production</b>	<b>27</b>
<i>David Hallam</i>	
<b>Agricultural Land Acquisitions: Implications for Food Security and Poverty Alleviation</b>	<b>39</b>
<i>Alexandra Spielfoch and Sophia Murphy</i>	
<b>Investors' Perspectives on Farmland</b>	<b>55</b>
<i>Gary R. Blumenthal</i>	
<b>Necessary Nuance: Toward a Code of Conduct in Foreign Land Deals</b>	<b>69</b>
<i>Ruth Meinzen-Dick and Helen Markelova</i>	

investment objectives of investing countries with the investment needs of developing countries. Investment priorities need to be identified in a comprehensive and coherent strategy, and efforts must be made to identify the most effective measures to promote the matching-up of capital to opportunities and needs.

## AGRICULTURAL LAND ACQUISITIONS: IMPLICATIONS FOR FOOD SECURITY AND POVERTY ALLEVIATION

**Alexandra Spielloch and  
Sophia Murphy**

According to the UN Food and Agriculture Organization (FAO), 1.2 billion people worldwide live with hunger. This is an increase of more than 100 million people since 2006, and represents a major setback in efforts to halve (and ultimately to eradicate) hunger in the world, an objective that governments committed to in 2000 with the adoption of the UN Millennium Development Goals. This increase in hunger comes at a time of great uncertainty for global ecosystems and for economic structures and institutions. For the first time in three decades, there is strong agreement among policymakers that more investment in agriculture is urgently needed in poor countries to address hunger and poverty, to develop and diversify their economies, and to stop the steady erosion of arable land even as the demand for food continues to grow. The nature of this investment, however, is far more controversial: what kind of agricultural technologies to use; whether to focus on the production of food or commodities; how to cultivate links to local, regional, and international markets—all of this is hotly contested.

The year 2008 witnessed a truly extraordinary number of negotiations on the part of governments and private firms looking to sign agreements that would confer ownership of, or long-term leases on, land abroad. Not all of these deals have resulted in signed contracts. Many are still under negotiation, while others have fallen apart because of adverse

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reactions in the countries where the land is located or because the global financial crisis has dried up available capital. Yet the trend continues, and a number of multilateral institutions are now paying close attention. In April 2009, the International Food Policy Research Institute (IFPRI) released a new report titled “‘Land Grabbing’ by Foreign Investors in Developing Countries: Risks and Opportunities.” The FAO has commissioned several pieces of work and has planned an inter-governmental meeting to review the issue. The World Bank is publishing guidelines for codes of conduct for investment in overseas farmland. The 2009 World Investment Report (published by the UN Conference on Trade and Agricultural Development, or UNCTAD) is focused on agriculture and agribusiness and includes a review of land-lease and land-purchase agreements. Access to land and the right to food is one of several issues the UN Special Rapporteur on the Right to Food has singled out for his attention during his mandate.

These are very specific kinds of investments, in some cases entailing the ownership of land, and in all cases giving a foreign entity the right to use the natural resource base—namely, soil and fresh water. There is still considerable disagreement on what the investment should aim to achieve. The answer to this question is critically important. Investment framed around the purchasing or leasing of land in developing countries by foreign firms or governments raises specific sets of issues that this paper will explore. The essay is focused on the social and economic implications of such investment for the people living on or adjacent to the land in question. The authors consider the proposed and existing investments from a human rights perspective, and conclude with policy recommendations.

## CONTEXT AND MOTIVATIONS

Land acquisition by foreigners is not a new phenomenon. Colonization of farmland by foreign settlers dates back thousands of years. The 19th century saw a huge wave of colonization by European powers in the Americas, Africa, Asia, and the Pacific. The colonizers appropriated much of the most fertile land for themselves, pushing local populations onto marginal land for their own production. At the time of independence, a number of former colonies in Africa, Asia, and Latin America

nationalized much of their economies in a bid to reassert local control. At the time, a number of development economists supported these actions. However, since the 1980s, there has been considerable pressure on developing-country governments to get out of economic management and to do all they can to encourage foreign investment as a way to ensure development. This pressure has come from developed-country governments and from officials in multilateral institutions, including the World Bank and the International Monetary Fund, but also from some UN organizations. Additionally, it has come from the private sector, including the London Club, which is a forum for private-sector debt holders to negotiate with debtor governments. Developing countries have responded by welcoming investment in land for tourism, natural resource extraction, and, more recently, contract farming to supply transnational supermarkets and food-processing firms.

The most recent phenomenon is countries and firms looking to outsource food, feed, and fuel production to stabilize future supplies at a time when markets are volatile and reserves are low. Investing countries for the most part lack arable land and, especially, sufficient fresh water to grow what they need domestically. Host countries are hoping for capital investments that build infrastructure, bring new technologies and know-how, and create employment. Companies are interested in securing stable supplies of different agricultural commodities, either to sell directly or as inputs for their processing and distribution concerns. The investment in production is aimed at increasing control over costs at a time of heightened market volatility.

The scale of the push for land is sobering. In their review of the biofuels industry and its pressures on land use, researchers at the International Institute for Environment and Development and FAO list several examples of big projects, including 30,000 hectares in Mozambique for a London-based firm (the Central African Mining and Exploration Company) to grow sugarcane; 300,000–400,000 hectares in southern Benin for a joint Malaysian–South African venture to produce palm oil; and a push by the president of Tanzania to find 400,000 hectares of land for a Swedish firm that wants to grow sugarcane for ethanol.<sup>1</sup> All of these projects are controversial and have faced local opposition.

Other examples of land acquisition investments come from China, which is seeking offshore farmland for biofuels crops such as sugar,

cassava, and sorghum. China has also invested in projects across Africa to produce food for consumption in local and regional markets.<sup>2</sup> Meanwhile, South Korea has announced national plans for land acquisitions in Mongolia, Russia, and other countries to grow food for export back home. The Gulf Cooperation Council, a trading bloc comprising six Persian Gulf states, has developed a joint strategy to outsource food production in Sudan and Pakistan, as well as in some countries in Southeast Asia, Africa, Eastern Europe, and Latin America. Kenya is reported to have signed a deal with Qatar to supply land for fruit and vegetable production for export back to Qatar.

The investment tends to flow from wealthier to poorer countries, but is by no means limited to a “North-South” pattern; a number of developing countries are also actively investing in their regions and across the globe. For example, India has soybean projects in Brazil; China has an estimated 23 farms in Zambia; and Mauritius has a Memorandum of Understanding with Mozambique that has brought Mauritian investment to Mozambique to produce food for both local and regional markets. The nongovernmental organization GRAIN lists some 180 proposed deals in its October 2008 online review of the issue titled, “Seized! The 2008 Land Grab for Food and Financial Security.” IFPRI’s April 2009 report estimates that since 2006, 15 to 20 million hectares of land have figured in negotiations or transactions in some 50 deals, mainly in Africa.<sup>3</sup>

There are two prominent reasons for the investments in agricultural land. One is the production of biofuels feedstock. The second is the production of food supplies, including feed for livestock. While the actual crops in question are often one and the same, the dynamics behind the two markets are distinct, in part because of the particular set of public policies (domestic and international) that underpin the fuel and food sectors.

Countries such as Saudi Arabia have invested vast sums of money to become cereal producers despite their lack of arable land and fresh water. The projects have initially been successful, but are not sustainable. A number of Middle Eastern countries are therefore looking abroad to see if they can use their capital to secure arable acres elsewhere. Countries such as South Korea also have food security concerns. When the food crisis hit world markets early in 2008, South Korea (a net food importer) saw global supplies vanish, while prices for many commodities—particularly rice—went sky-high. The price increases were the result of a combination of

supply problems, protectionist moves by some of the main suppliers to world markets, and the new demand created by biofuels support policies that mandate a minimum market for the industry, regardless of costs. As the director general of IFPRI recently stated, the recent rash of land purchases “is truly a consequence” of the sudden food price increases in 2007 and 2008, and of fears of depleted stockpiles.<sup>4</sup> Yet even as prices have moderated, the negotiations for land continue. These land deals reflect the fact that some of the richer net food-importing countries are no longer counting on global trade to meet their food security needs.

Another group of investors is motivated by the sudden emergence of the biofuels sector as a significant new source of demand for agricultural commodities. The Norwegian firm ScanFuel is launching a biofuels project in Ghana by planting 10,000 acres with jatropha (and the firm is holding another 10,000 acres for food production). By 2015, the company expects to be producing 5,000 barrels of biodiesel oil a day.

What do host countries hope to gain? Host governments list a number of potential benefits, including infrastructure for agricultural markets (new roads, port facilities, etc.); access to research and technology; and credit for markets where capital is scarce. Ideally, the investments would also support local food systems and promote fair prices for local producers. From a development perspective, the end result of an ideal investment should provide smallholder farmers with more choices, access, and control.

## WHY THE CONCERN?

The land-lease and land-purchase agreements raise a number of troubling issues. These include unequal power relations (particularly between the contracting partners and between host-country governments and their people); conflicting interpretations about land use; scarce natural resources; and the potentially negative implications for smallholders and women.

### Unequal Power Relations

Fundamentally, there are significant risks for host countries because of the lopsided power relationships involved in virtually every one of the proposed deals. Many of the investors are large, well-established

transnational firms such as Archer Daniels Midland, Cargill, and British Petroleum, or investment funds like the Carlyle Group, which manages more than U.S. \$85 billion worldwide. Other investors are governments of wealthy countries (including Saudi Arabia, Qatar, Bahrain, South Korea, and China), or corporations acting with a rich state's blessing. Conversely, most of the host governments are poor, some (such as Sudan and intermittently Ethiopia) are involved in wars, and others (Madagascar, Zimbabwe, and Pakistan) are politically unstable. Additionally, few can be said to preside over strong and independent democratic institutions. This is of course a risk for investing firms or countries, but it also raises questions about the authority of host governments to speak on behalf of the communities directly affected by land sales or leases.

A recent paper from the International Institute for Sustainable Development puts the push for land purchases and lease agreements into the context of bilateral and regional investment agreements, which have proliferated in the last decade.<sup>5</sup> The paper demonstrates how unequal power among parties can play out in creating unfair rules. Significantly, many existing bilateral investment agreements require host governments to treat the foreign investor exactly like domestic investors. Such accords also give investors the right to export all or almost all of what is produced. They allow host countries to limit exports in the midst of a financial crisis but not necessarily in times of food shortages, and allow foreign investors to sue host governments for any lost profits.

Within host governments, there are different levels of authority and competing political and policy interests. For example, it is quite possible that several ministries in the host government might be involved in negotiating a contract, while other ministries with an interest are excluded. Ministries that might have an interest include industry, agriculture, land, rural development, trade, finance, energy, and environment. Rarely are power relations among different ministries even approximately equal. Local and state authorities will definitely have a considerable stake in the deal, but may well be excluded from the negotiations. The local community itself is likely to have more than one view on the priorities for investment and the conditions that should be attached to any new economic development. Additionally, there will be clear differences between landless workers and those with land, between larger and smaller landowners, and even within households—because men and women

often have different stakes in the use of land and in any accompanying employment and commerce. All of this must be taken into account.

### **Conflicting Interpretations of Land Use**

Sometimes farmland investments are supported because investors acquire the use of marginal or unused land. Yet deciding the best way to use the land is a political issue. What the government (or an official's interpretation of a satellite image) may categorize as wasteland might very well be meeting an important share of rural people's household needs—particularly in the poorest households, and especially during times of economic shock, which many developing countries are now experiencing. Uncultivated land is used for grazing, as a source of wild foods and medicinal plants, and for access to water.

Members of networks such as the South Asian Network on Food, Ecology and Culture have documented the importance of uncultivated biodiversity in India, Bangladesh, and elsewhere. A recent survey of 50 families in 10 Bangladeshi villages reveals that uncultivated food provides an average of 65 percent of the food (by weight) and 100 percent of the feed and fuel needs of the poorest households (those with no land), and 34 percent and 20 percent respectively for the better-off households (those with some land of their own).<sup>6</sup>

Disputes over land ownership have a long and violent history in much of the developing world, where the legacy of land dispossession carries a powerful political charge relating to national identity, reconciliation, justice, and the legitimacy of the state.<sup>7</sup> Moreover, the push for land acquisitions by foreign interests comes at a time when many countries are still struggling to successfully implement land tenure reform, in some cases after brutal wars or the demise of confiscatory political systems such as apartheid in South Africa. Efforts to secure the passage and implementation of land policies and laws that are pro-poor, pro-farmer, and pro-food security are easily undermined by market-led approaches, especially when the terms of the contracts specify that foreign investors must have the same rights as local businesses.

### **Scarce Natural Resources**

Natural resource degradation, particularly of common property resources, is increasing food insecurity and undermining the livelihoods

of the poor. The UN reports that land degradation affects more than 900 million people worldwide, and as much as two-thirds of the world's agricultural land.<sup>8</sup> It is projected that as many as 1.8 billion people will live in regions facing absolute water scarcity by 2025, and that two-thirds of the world's people could be subject to water stress if trends do not change.<sup>9</sup>

Investment that restores agricultural land to ecological health would be a significant investment in a country's future prosperity and in the well-being of local communities. UNCTAD and the United Nations Environment Program (UNEP) have published a series of case studies on successful experiences with organic agricultural production in East Africa.<sup>10</sup> FAO has also published work in this area, as have many academics, including Jules Pretty at the University of Essex and Miguel Altieri at the University of California-Berkeley.

However, investment in industrial agriculture, which remains the dominant model for large-scale investment in agriculture, tends to use large amounts of fresh water, depletes the soil of nutrients at unsustainable rates, and depends heavily on fossil fuels (for machinery, fertilizer, pesticides, storage, and transportation), which in most developing countries are an expensive import.

### Impacts on Smallholders and Women

A number of the incentives offered by governments to attract foreign land investors reinforce the disadvantages of smallholder producers who lack bargaining power, access to markets, resources, and land rights. In general, smallholder farmers have little political voice and are poorly organized. They do not necessarily have common interests, either: some may be in a position to benefit, while others are not. A group of scholars has documented the emergence of a common pattern in the developing world as agriculture is commercialized and integrated into the global economy. Communities find themselves divided. Some find new opportunities with the arrival of an external actor (contracts to grow horticultural products, for instance), while others are further marginalized, unable to meet the requirements that the new opportunities impose, and with nowhere but an urban shantytown to retreat to if their hold on agriculture fails.<sup>11</sup> The implications of most of the land investment deals for local producers and farm workers are not yet clear. However, the experience of other investment-for-export programs suggests to governments

and policymakers that they should proceed with considerable caution and forethought if they wish to avoid exacerbating poverty and to make something of the potential opportunities.

As the majority of the world's food producers (and food providers), women face particular challenges related to land-use choices. They generally have customary rights to land, but they seldom have formal legal rights. Women are commonly discriminated against in both formal and customary systems of land tenure. Their ability to claim legal rights and participate in institutions and political activities is often curtailed, making their rights vulnerable to abuse. Women are typically small-scale producers, and as such they lack independent resources or collateral with which to secure credit. If the government or the community appropriates their land, then their lack of formal rights denies them legal recourse. One result is that they might end up working on other farms (or in commodity-processing factories) for money for wages and/or food. Or, they might secure some other form of employment to provide food for their families and to make ends meet when traditional means have failed.

To be clear, new investment in agriculture can provide, and has provided, employment opportunities for women. Yet too often the jobs are temporary, low-paid, and insecure. Women working in agriculture are vulnerable to sexual abuse and forced pregnancy tests. They also face the double burden of working outside of the home while still being expected to prepare meals for their families. In some cases, because policymakers do not take women's economic activities into account, new investment undermines viable businesses headed by women. ActionAid's 2008 report on biofuels, "Food, Farmers, and Fuel," illustrates the pitfalls of not undertaking gender analyses of potential investments.<sup>12</sup> For instance, when the government of Ghana granted land to a Norwegian firm for biofuels feedstock production, women producers in the region objected that this land was already planted with shea trees—and that the fruit from the trees was providing them with an important source of income.

### WHAT NEXT?

The global financial crisis has complicated the picture. The dramatic fall in the prices of a number of agricultural commodities, coupled with

severe shortages of investment capital, have frozen some negotiations over land deals and led to the cancellation of others. The biofuels sector in particular is in some disarray. However, the long- and even medium-term prediction is that commodity prices will be unstable, but rising.

Government initiatives under multilateral and regional auspices may make land investment agreements more equitable and sustainable, but ultimately countries need a national (and local) dialogue on what they want for and from their land. The African Union (AU) was expected to publish guidelines for such investments in July 2009 (though they were not available when this essay was written). According to the British newspaper *The Independent*, “Some of the AU’s new guidelines on land sales include recommendations that new investors should promise to help with infrastructure, such as health facilities, agree to pay local taxation and look at ways to get more involved on the food-processing side which would create more local jobs.”<sup>13</sup>

The FAO’s David Hallam is quoted in the same article. “Imagine,” he says, “empty trucks being driven into, say, Ethiopia, at a time of food shortages caused by war or drought, and being driven out again full of grain to feed people overseas. Can you imagine the political consequences? That’s why proper legal structures need to be put into place to protect land rights, and why we should look at some form of international code of conduct.”

The fact that some of the countries targeted for investment receive food aid from the World Food Program (WFP) reinforces how likely Hallam’s scenario is. Cambodia, Niger, Tanzania, Ethiopia, and Burma are all countries with completed or projected land deals, and they are all beneficiaries of WFP aid. These countries live with extreme levels of food insecurity. They all need to make significant investments in their domestic production as one part of re-establishing food security.

### Policy Recommendations

Here are some initial steps for moving forward in ways that protect both human rights and ecological health:

1. *Articulate a national vision for agriculture that respects human rights.* All UN member states are committed to protecting and promoting the universal human right to food. Government economic policies must

be consistent with this and other human rights obligations. This commitment entails an open and participatory debate on policy before decisions are made, a transparent legal system that citizens can readily access, and a commitment to protecting populations from actions that would undermine food security.

Therefore, investment agreements need to be explicit in their respect for existing human rights law. Such an approach would set the stage for a coherent regulatory framework for investment that respects government obligations to honor, protect, and fulfill the right to food. This would require, among other things:

- a. Clearer identification of extraterritorial responsibilities that would restrict governments and corporations from implementing policies that compromise the realization of the right to food abroad. This implies adopting an approach that would require a human rights assessment of any proposed policy that would affect the framework for economic policy (such as a trade or investment agreement) in a third country. Investor countries must accept responsibility for working with host countries to uphold human rights.
- b. Free, prior, informed consent based on inclusive consultations and full disclosure of information and terms related to contracts.
- c. Regulated trade so that countries can use tariffs and appropriate safeguards to protect domestic industries from foreign investment that might otherwise undermine domestic food security measures and jeopardize national commitments to implement right-to-food policies.

2. *Build ecologically sound and resilient farm systems.* Ecological sustainability is critically important. The International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD), signed by 58 governments, reflects a powerful consensus among governments, academics, and nongovernmental organizations (NGOs) on the need to redirect agricultural science and technology to support small-scale farmers and local knowledge. This assessment makes clear that climate change is undermining many existing agricultural production practices and assumptions. The IAASTD reviews some of the available policy options to enable agriculture to adopt

more climate-friendly practices. Investment in adaptive technologies must prioritize policies that give preference to the leadership of smallholder producers, including women; that emphasize the development and use of local seed varieties, and farmers' ability to save seeds; and that provide reliable access for small producers to local, regional, and global markets through collective engagement in agricultural value chains.

3. *Protect the space for local priorities.* Governments must ensure broad-based engagement, leadership, and accountability in the various guidelines and best practice codes envisaged by the World Bank, FAO, and others. This should include NGOs and especially community-based organizations, as well as affected populations. Women leaders should be at the center of developing guidelines for best practices.

It is important to maintain a level of pragmatism about what can work. Human rights organizations will say from experience that good laws and ensuring they are implemented are two distinct things. This makes working with local communities and establishing norms for their involvement all the more important, so as to understand local power relationships, get local community support for any policy changes, and consider best strategies to protect against abuses.

4. *Review land use and availability in light of demographic changes.* The International Land Coalition's scoping study on commercial pressures on land (a conceptual framework and research agenda for a report expected for the second half of 2010) points out that two kinds of land ownership should be distinguished: land owned by the government (sometimes called crown land), and land for which clear ownership rights are conferred on individuals.<sup>14</sup> Crown land is rarely unused, but users are not likely to have a clear legal right to the land should the government decide to lease it out on a formal basis. Land held by individual title cannot be passed on without the owner's consent, but there are many examples from across the developing world where such consent is forced, because of underlying poverty and need, because of misinformation given about landholders' rights, or simply because the state has the power to force consent, even without the legal authority.

ActionAid's 2008 report on biofuels describes the pressures generated within households if there are differences among family members about how to respond to a request to sell family land. The report shows that in Guatemala, many women have lost their land because their husbands have not respected the law that requires both husband and wife to sign any contract of sale on family land. In these cases, the husbands have gone ahead and sold the land despite their wives' objections.

In terms of land availability, many developing countries face increases in populations, especially in rural areas, over the medium and long term. In Ethiopia, projections suggest that the rural population will grow from 70 million in 2006 to 183.4 million in 2050; in Madagascar, the population is expected to grow from 18.6 million to 44.4 million; and in Tanzania from 38.5 million to 85.1 million.<sup>15</sup> Getting a better grasp of land use and availability will help craft appropriate policy. The pressure on land is already great and is growing. Governments need to have some sense of the demands to be expected for land and water in the next decade and beyond before they make decisions on land contracts that will not, by their very nature, be short-term.

5. *Consider how the investment fits with broader development objectives.* There continues to be fierce debate on the value of "free" market trade versus more regulated trade and investment. But on a number of related issues, some consensus is emerging. For instance, there is widespread agreement on the importance of agriculture and its contribution to broader—and relatively equitable—development in poorer countries. Agriculture is no longer viewed just as a sector associated with poverty, or as a sector to leave behind as a country develops. There is also growing agreement on the need for radically different approaches to natural resource management to reflect the emerging scarcity of fresh water, on the need for much more careful husbandry of genetic diversity in crops and domesticated livestock, and on the importance of restoring agriculture to solar-powered rather than fossil-fuelled energy use. Any new investment deals should contribute to long-term sustainability and be ecologically friendly, given that such qualities would reflect the emerging consensus about agriculture and development.

## CONCLUSION

Clearly, large-scale investment in agriculture is needed. However, such investment must be made with historical and political contexts in mind, and must be premised on the potential to meet social and environmental objectives. For example, land deals must reduce, not expand, the number of hungry people and communities struggling to survive. They must be appropriate in scope and must serve the interests of the most vulnerable, and not only those who can pay or who are well-positioned to gain. Land deals must also occur as part of democratic processes; they should not take place outside of public political debates. In light of today's multiple crises, the fact is that this kind of investment has the potential to achieve much good, and should therefore be encouraged along these lines.

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