



Host country governance and the African land rush: 7 reasons why large-scale farmland investments fail to contribute to sustainable development



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ABSTRACT

The large social and environmental footprint of rising investor demand for Africa's farmland has in recent years become a much-examined area of enquiry. This has produced a rich body of literature that has generated valuable insights into the underlying drivers, trends, social and environmental impacts, discursive implications, and global governance options. Host country governance dynamics have in contrast remained an unexplored theme, despite its central role in facilitating and legitimizing unsustainable farmland investments. This article contributes to this research gap by synthesizing results and lessons from 38 case studies conducted in Ethiopia, Ghana, Nigeria, and Zambia. It shows how and why large-scale farmland investments are often synonymous with displacement, dispossession, and environmental degradation and, thereby, highlights seven outcome determinants that merit more explicit treatment in academic and policy discourse.

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1. Introduction

As prospects in global food and energy markets improved over the course of the 2000s, large numbers of agricultural investors sought access to Africa's cheap and fertile farmlands to establish industrial food and biofuel feedstock plantations (Anseeuw et al., 2012; Schoneveld, 2014a). Many African governments met this renewed interest in their agricultural sector with great optimism since such investments promised to bring in much-needed capital in support of national agricultural modernization and rural poverty alleviation objectives (Cotula, 2012; Lavers, 2012; World Bank, 2011). However, many civil society organizations were quick to caution against the potentially devastating social and environmental impacts of commercial agriculture expansion. Because land tenure regimes in many African countries are organized through customary arrangements that are often poorly protected by statutory law, it has been widely argued that the rising demand for farmland is increasingly exposing rural populations to involuntary land expropriation (Alden Wily, 2012; German et al., 2013).

A rich body of academic literature analyzing the socio-economic and to a lesser extent environmental impacts of these farmland investments has begun to emerge in recent years, which has largely validated these civil society concerns (see, for example,

Gordon-Maclean et al., 2009; Chachage, 2010; Ntantumbo and Salomão, 2010; Locher, 2011; Tsikata and Yaro, 2011; Våth, 2012; Shete et al., 2015). Although some public institutions in major investment destinations have as a result begun to acknowledge that the initially touted development contributions could remain elusive without greater state intervention (Schoneveld and Zoomers, 2015), the economic, political and bureaucratic complexity of establishing appropriate governance arrangements has frustrated efforts to enhance investment sustainability. For example, the introduction of the necessary social and environmental safeguards would entail structural reforms to national land, environment, and investment regulations and institutions (De Schutter, 2011; German et al., 2013). However, the retrenchment of the state and liberalization of investment regimes and land markets has not only reduced state capacity to effectively intervene in the sector, but also fostered new dependency structures that are incentivized to accommodate rather than excessively regulate private investment inflows (Kolk and van Tulder, 2006; Cotula, 2012; Schoneveld and Zoomers, 2015).

To date, much of the scholarly debate on the governance of farmland investments has focused on the evolution and functioning of global (land) governance systems. Often adopting an agrarian political economy or political ecology perspective, this literature has produced critical insights into how global governance processes, notably the emergence of non-state mechanisms

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such as voluntary codes of conduct and certification systems, are produced and reproduced by contemporary world capitalist structures, corporate agro-commodity regimes, and an increasingly polycentric world order (e.g. [Borras et al., 2013](#); [McMichael, 2012](#); [Margulis and Porter, 2013](#); [White et al., 2012](#)). While viewing host country governance arrangements through this lens is certainly illuminating, since much of this literature is highly conceptual and paradigmatic, it is of limited practical relevance to host country governments that in practice shoulder most of the farmland governance burden. After all, only host country governments wield the necessary sovereign authority to foster improved alignment between agricultural investments and national development strategies, especially since transnational governance instruments are principally designed to mitigate negative, not maximize positive impacts ([Cashore et al., 2004](#)). Therefore, the interplay between the nation-state and recent farmland investments deserves greater attention ([Fairbairn, 2013](#)). While a number of recent empirical studies have examined some of the factors mediating outcomes, these tend to be country-specific and confined to narrow disciplinary perspectives (e.g. [Alden Wily, 2011](#); [Burnod et al., 2013](#); [Fairbairn, 2013](#); [Boamah, 2014](#); [Moreda, 2015](#)). This limits the ability to evaluate external validity, the role of context specificity, and the complex interplay of social, economic, and political dynamics. To more effectively support host country governments in the development of appropriate governance arrangements and advance academic discourse, a more interdisciplinary and holistic cross-country perspective on outcome determinants is warranted.

This paper aims to contribute to these research needs through a comparative analysis of the factors that shape outcomes across a diversity of social, political, economic, and ecological contexts. Its point of departure is that farmland investment impacts, be it positive or negative, should be viewed in the context of the processes that produce them. This enables more effective identification of structural underlying governance challenges that frustrate efforts to better leverage farmland investments in support of national development objectives. By synthesizing results from research conducted at 38 farmland investment projects in Ethiopia, Ghana, Nigeria, and Zambia, this paper explains how and why the establishment of many large-scale farmland investments is typically accompanied by displacement, dispossession, and environmental degradation. In doing so, it identifies seven structural governance challenges that African host countries will need to contend with in the face of rising commercial pressures on farmland. While the paper shows how some of these governance challenges are a product of elite exploitation of pre-existing power imbalances, many challenges also arise from structural social and economic barriers rather than a power-laden struggle for resources.

As background, the following section explores the state of the art in recent farmland investment research and scholarly discourse and attempts to position host country governance in this. The paper subsequently provides a brief description of methods employed and case study context, before summarizing the types of local socio-economic and environmental outcomes observed in the case studies. It then proceeds with an overview of the seven factors that shape these outcomes. The paper concludes with a reflection on findings and implications for governance.

2. Background

Despite notable exceptions, the African land sector continues to be characterized by legal pluralism, in which customary claims remain subordinate to state territorial authority ([Alden Wily, 2012](#)). In much of sub-Saharan Africa formal land tilting has failed to materialize for much of the rural population and is in practice

largely reserved for those with resources and capacity to navigate complex land administration systems ([Alden Wily, 2012](#); [Amanor, 2012](#)). Rising commercial demand for farmland therefore exposes the rural population to increased risk of involuntary displacement and dispossession of valuable livelihood resources. A growing body of research has illustrated how investments are concentrating within the customary land domain and often fail to adequately respect existing land-property relations (see, for example, [Habib-Mintz, 2010](#); [Nhantumbo and Salomão, 2010](#); [Andrew and van Vlaenderen, 2011](#); [Baxter, 2011a, 2011b](#); [Deng, 2011](#); [German et al., 2013](#)). Loss of access to housing, farmland, and common property resources such as water, pasture, and (non-timber) forest products is argued to produce a host of adverse local impacts related to, for example, rising food and income insecurity, reduced capacity to cope with shocks, widening of pre-existing inequalities, increasing pressure on community resources, and social conflicts ([Chachage, 2010](#); [Baxter, 2011a](#); [Deininger, 2011](#); [Locher, 2011](#); [Oxfam, 2011](#); [Tsikata and Yaro, 2011](#); [Balachandran et al., 2012](#); [Väth, 2012](#); [Shete and Rutten, 2015](#)). The environmental sustainability of agricultural investment is also widely questioned since, historically, the expansion of plantation agriculture in developing countries has been a leading driver of deforestation and environmental degradation ([Morton et al., 2006](#); [Koh and Wilcove, 2008](#); [Rudel et al., 2009](#); [Gibbs et al., 2010](#); [Schoneveld, 2010](#)). In sub-Saharan Africa, early evidence is suggesting that many new agricultural investments are located within areas of high ecological significance, such as wetland areas, dry and tropical forests, and wildlife-abundant savannah landscapes ([Gordon-Maclean et al., 2009](#); [Nhantumbo and Salomão, 2010](#); [Rahmato, 2011](#); [Nguiffo and Schwartz, 2012](#); [The Rainforest Foundation, 2013](#)).

Despite these negative externalities, many host country governments and, in some cases, multilateral institutions argue that these investments have the potential to positively contribute to a range of (macro-)economic objectives. For example, since most economies in sub-Saharan Africa are both net food and net energy importers, private capital formation within those sectors could help achieve import-substitution objectives and enhance domestic food and energy sovereignty ([GTZ, 2009](#); [Mann and Smaller, 2010](#); [Cotula, 2012](#)). Moreover, in the context of longstanding neglect of Africa's agricultural sector, as is reflected by declining public and aid spending on the sector ([Fan and Saukar, 2006](#); [Akroyd and Smith, 2007](#)), farmland investments are also viewed as a means to contribute to agricultural productivity and competitiveness, while alleviating some of the public spending burden ([Poulton et al., 2008](#); [von Braun and Meinzen-Dick, 2009](#); [World Bank, 2011](#); [IMF, 2012](#)). Moreover, as foreign direct investment (FDI) flows to many African countries began to surpass official development assistance (ODA) in the 1990s due to economic liberalization policies, agricultural FDI increasingly started to be viewed as a solution to rural poverty rather than the problem; for example, by promoting the uptake of modern farming practices, improving access to inputs, supporting smallholder integration into global value chains, and generating formal employment opportunities ([Kolk and van Tulder, 2006](#); [World Bank, 2008](#); [Deininger, 2011](#); [Lavers, 2012](#)). Within this context, most African countries have started lifting capital controls, offering investors fiscal incentives, and reducing administrative bottlenecks by establishing 'one-stop investment centers' that aid investors in applying for the necessary permits and incentives, and often in acquiring land ([Dufey et al., 2008](#); [Cotula et al., 2009](#); [Toulmin et al., 2011](#)). Many critics have challenged these development assumptions, arguing that they constitute merely a justifying narrative for a socially and environmentally detrimental form of extractive agriculture geared towards the overconsumption of global centers of accumulation ([Oya, 2009](#); [Li, 2011](#); [de Schutter, 2011](#); [McMichael, 2012](#); [White](#)

et al., 2012; Borrás et al., 2013; German et al., 2013). In academia, such dynamics are popularly conceptualized as representing processes of primitive accumulation (or what Harvey (2003) refers to as 'accumulation by dispossession') and enclosing land (some examples include Peluso and Lund, 2011; Makki, 2012; Martiniello, 2012; White et al., 2012; Carmody, 2013; Sassen, 2013; Wolford et al., 2013).

Research to date has highlighted how in the absence of effective governance mechanisms to regulate investments, the negative social and environmental externalities tend to outweigh the potential benefits (Cotula et al., 2009; Deininger, 2011; German et al., 2013). Especially in the African context, where governance deficiencies often strongly underpin poverty and economic performance, lack of capacity and incentive to effectively regulate such socially and environmentally complex investments allows many farmlands investors to engage with impunity in unsustainable practices. However, non-state, often market-based, governance mechanisms began to gain traction over the 2000s, which, in response to rising consumer activism and the increasing incongruence of hard legalistic approaches and neoliberal principles, sought to fill the regulatory vacuum (Cashore, 2002; Scherer and Palazzo, 2007). This represents a global governance shift involving the privatization of corporate regulation. In the agricultural sector, this was initially expressed by the emergence of numerous third party voluntary certification systems and later by international social and environmental performance standards enshrined in corporate codes of responsible agricultural investment conduct and guidelines for the responsible governance of tenure. Characterized by voluntarism, such initiatives are grounded in the assumption that changing corporate social and environmental performance norms will compel many companies to self-regulate, especially in situations where promulgated standards fail to correspond to host country regulatory realities.

In academia, many of these initiatives have been criticized for assuming that so-called 'win-win' outcomes can be achieved. Some critics argue that such initiatives rather facilitate 'land grabbing' and help greenwash unsustainable business practices (Lund-Thomsen, 2008; Borrás and Franco, 2010; Li, 2011; de Schutter, 2011; McMichael, 2012). This reading of global governance shifts typically emanates from paradigmatic concerns over the reconfiguration of corporate food regimes, global capitalist accumulation structures, and neocolonialism, as is manifested by, what is popularly viewed as, the rising global influence of BRICS and middle income countries, the increasing exploitation of frontier resources to accommodate external food and energy security agendas, and financialization (Borrás et al., 2013; McMichael, 2012; Margulis and Porter, 2013; White et al., 2012). However, the excessive emphasis on discursive master frames arguably overplays the importance of global processes and responses. A critical reflection on the role of host country regulatory regimes and institutions in (re)producing sustainability outcomes is typically absent in this discourse. Evidence suggests, for example, that adherence to voluntary governance instruments is weak in sub-Saharan Africa because, contrary to popular perception, most investors appear to respond to opportunities in the markets they operate rather than those from which they originate (Cotula, 2012; Schoneveld, 2014a). This implies that few investors currently face demand-side pressures to augment their social and environmental performance through compliance with private standards since they are poorly articulated to more ethically conscious Northern end-markets. Moreover, since domestic and southern investors and capital account for the bulk of investment inflows, and with development finance institutions, which tend to impose more stringent due diligence standards than commercial financial institutions,

playing only a minor role in sector expansion, supply-side pressures are similarly weak (Hilhorst et al., 2011; Jayne et al., 2014; Schoneveld, 2014a; Di Matteo and Schoneveld, 2016). This suggests that international market-based mechanisms are unlikely to fundamentally impact investor conduct. Therefore, host country policies, regulations, and institutions remain the primary mechanisms through which investment sustainability can be achieved.

Despite its direct relevance, the interplay between domestic institutional dynamics and agricultural investment inflows is yet to be comprehensively assessed. A number of more empirical works have critically examined elements of this interplay, such as the role of legal status of customary property regimes (e.g. Alden Wily, 2011; Amanor, 2012; German et al., 2013), state discourse (e.g. Lavers, 2012), the role of domestic elites and power imbalances (e.g. Fairbairn, 2013; Boamah, 2014), local resistance (e.g. Beekman and Veldwisch, 2012; Campion and Acheampong, 2014; Moreda, 2015), and land alienation processes (e.g. Burnod et al., 2013; German et al., 2013; Nolte and Vāth, 2015), but often in isolation. Because of the centrality of tenure, the ability of national land governance systems to safeguard against dispossession and its impacts has featured especially prominently in this research. This has shown that pervasive procedural (e.g. failure to provide communities with balanced information, conduct (effective) community consultations, and obtain community consent) and distributive issues (e.g. inadequate support to the reconstruction of livelihoods and poor access to wage employment) are important proximal outcome determinants (e.g. Vermeulen and Cotula, 2010; Fairbairn, 2013; Wisborg, 2013; Nolte and Voget-Kleschin, 2014; Campion and Acheampong, 2014; Nolte and Vāth, 2015). Much of this literature, however, fails to offer critical insights into the underlying social, economic, and political dynamics that give rise to such issues. Despite this, others have shown that many African governments employ discursive strategies to justify enclosing and/or alienating land; for example, for being marginal, degraded, underutilized, unproductive, or subject to encroachment or unsustainable smallholder land uses (Vermeulen and Cotula, 2010; Borrás et al., 2011; Lavers, 2012; Benjaminsen and Bryceson, 2012; Nel and Hill, 2013). Some argue that this type of rhetoric is intended to obfuscate ulterior political objectives, with many governments purportedly using agricultural investments as a tool to enhance their territorial control over land resources and non-state spaces (Peluso and Lund, 2011; Neville and Dauvergne, 2012; Burnod et al., 2013; Wolford et al., 2013; Moreda, 2015; Nel, 2015). While some have noted that the influx of capital into the land-based economy and the attendant opportunities for capturing rents and political gains has created a governance assemblage prioritizing and facilitating private capital interests over local rights (Cavanagh et al., 2015; Nel, 2015), much of this work has focused on land alienation in the context of conservation rather than agricultural projects. Nevertheless, such works have demonstrated the fluidity of elite accumulation networks and the exclusionary effects of their adaptation to new commercial realities. Although Fairbairn (2013) does offer an especially illuminating analysis along these lines of the domestic power imbalances that enable domestic elite capture in the Mozambican agricultural sector, it does not offer a systematic cross-country comparative perspective to help isolate the role of context specificity. Moreover, while power certainly underlies the aforementioned procedural and distributive issues, as the paper will go on to demonstrate outcomes are also shaped by capacity constraints and incompatible social and economic structures, which are often a product of longstanding power differentials and historical inequalities but do not constitute an *exercise of power per se*.

3. Methods

3.1. Site selection and context

Field research was conducted in Ethiopia, Ghana, Nigeria, and Zambia. These countries were incorporated into the study since they represent a wide diversity of African governance contexts. For example, Ghana and Zambia are considered to be some of the most democratic countries in Africa, while Ethiopia is one of Africa's more authoritarian regimes (EIU, 2012). Although Nigeria returned to civilian rule in 1999 following decades of military administration, the state continues to exhibit authoritarian tendencies. However, where Ethiopia has a strong developmental state with a clear economic development strategy, Nigeria has the characteristics of Africa's many resource-rich 'failed states', where oil politics and patrimonialism have resulted in rampant corruption, economic mismanagement, and a poorly embedded state. This is reflected in the quality of economic management, where, according to IAG (2012) ranking, Ethiopia ranks alongside Ghana and Zambia as some of the best managed African economies, while Nigeria is ranked in the lowest quartile. In terms of foreign investment, Ghana, Nigeria, and Zambia are, like most other African countries, considered to be highly open, with Ethiopia, where the state continues to strongly intervene in the economy, considered to be one of the most closed economies in the region (CEPII, 2009). However, Nigeria is seen as being one of the most difficult countries to establish a new business, while Ghana is considered one of the easiest (CEPII, 2009).

Customary land rights in Ghana and Zambia are some of the most secure in Africa, while in Ethiopia these are considered some of the most insecure - with Nigeria falling in the middle of the spectrum (CEPII, 2009; Alden Wily, 2012). In Ethiopia, land rights can only be secured through individual land certificates, with customary land management institutions or common property resources not recognized by statutory law. In Ghana, Nigeria, and Zambia, on the other hand, customary land use rights are protected under statutory law without requiring formalization. Of the four, Ghana is the only country where lands are not ultimately vested in the state, with customary land being held in trust by traditional authorities.

The selection of individual case studies within each country was based largely on the status of project development in order to ensure an impact assessment was viable. Data was collected from central and regional governments to determine the areas with the highest concentration of investment. This served to narrow the geographic focus and ensure that findings optimally represent domestic investment trends. Subsequent field visits provided information as to project status and helped to guide site selection.

Due to Ethiopia's high ecological and cultural diversity, selected sites were distributed across different eco-regions, including humid, tropical rainforests, temperate highlands, and arid shrublands. A total of ten projects were evaluated across the Gambella, Oromiya, and Southern Nations, Nationalities, and Peoples' Region; five of which were for cotton, four for cereals, and one for oil palm. Four of the ten projects were foreign-owned. These regions comprise the vast majority of large-scale farmland investments in Ethiopia; thus, findings are considered to be highly representative for Ethiopia as a whole. Dominant local production systems include agro-pastoralism, shifting cultivation, sedentary farming, and extraction of non-timber forest products (NTFP).

In Ghana, research activities focused on the forest-savanna transition zone, an agro-ecological zone located between the humid tropical areas in southern Ghana and the dry savannas in the north. A total of nine projects were evaluated across the Ashanti and the Brong Ahafo regions; all but one involved biofuel

feedstock cultivation and all but one were foreign-owned. Although approximately 65 percent of investors are located within this zone as a result of comparatively low population pressures and land suitability, processes in, for example, southern Ghana may differ as a result of higher population densities and more market-oriented tenure regimes. Although a small proportion of the population practices agro-pastoralism in the sampled areas, much of the population is engaged in shifting cultivation, supplemented with NTFPs.

In Nigeria, research activities focused on the tropical rainforest area of the southeast, which forms part of the Congolian forest belt. A total of 14 projects were evaluated across Cross River State (CRS); ten of which for oil palm, three for rubber, and one for pineapple. Six of the projects were foreign owned. The majority of recent investment projects in Nigeria are located within forested, and sometimes, wetland ecosystems (e.g. Kwara and Taraba State); predominantly due to 'availability' of land. However, due to relatively high regional economic autonomy afforded by Nigeria's system of federalism, despite commonalities in legal and institutional frameworks, (quality of) investment governance is likely to differ significantly between states. In CRS, shifting cultivation is widely practiced, with permanent farming common in more populous areas. Sampled communities residing within the rainforest margins have a comparatively high dependency on NTFPs.

In Zambia, research activities focused on the central-northern dry forest areas that forms part of the Central Zambebian Miombo woodlands, which extend across most of the country. A total of five projects were researched across the Central, Copperbelt, and Northern Region - most of which significantly larger in extent than the projects in the other countries; three of which for biofuel feedstock, one for cereals, and one for oil palm. Three of the projects were foreign-owned. With almost 90 percent of the area acquired for large-scale farmland investment located within these regions, findings are assumed to be highly representative of domestic trends. Most sampled communities practiced a combination of sedentary farming and shifting cultivation, supplemented by NTFPs.

3.2. Research activities

The first set of activities involved semi-structured key informant interviews, secondary data collection, and review of legal and policy documentation within national and regional capitals. Interviews with government officials representing a wide range of administrative and sectoral agencies offered insights into relevant legal and institutional structures, implementation and enforcement challenges, and diversity of discourse. These stakeholders often facilitated access to publically unavailable information, such as data on investments, Environmental and Social Impact Assessment (ESIA) reports, feasibility studies, investment contracts, and cadastral maps. Similar key informant interviews were subsequently held with government and civil society organization at the district and regional level. While investor perspectives were always sought, approximately 40 percent of investors for various reasons declined to contribute to the research.

At the site level, traditional authorities at affected communities, typically consisting of local chiefs, were by and large the first point of contact. As important enablers of land alienation, these traditional authorities were an important object of analysis, offering valuable insights into the motives of the customary elite and the specifics of the 'negotiation encounter'. Focus group discussions were held with homogenous groups of affected households such as women, youths, elders and those employed by the projects in question on *inter alia* consultation and consent processes, prior expectations of project prospects, collective action, local power dynamics, extent and nature of dispossession, implications of

dispossession, project benefits, and articulation to public institutions. Remote sensing analysis was also undertaken to assess the nature and extent of land use changes brought about by project establishment. More detailed information on methods can be found in previously published country papers (see Schoneveld et al., 2011; German and Schoneveld, 2012; Schoneveld and German, 2014; Schoneveld, 2014b; Schoneveld and Shete, 2014).

4. Overview of local outcomes

Despite profound differences in the regulatory and institutional contexts, the sampled farmland investments in the four countries produced strikingly similar local outcomes; most emanating from the alienation and expropriation of important livelihood resources. All 38 projects involved loss of access to either forest-, pasture-, or farmland (see Table 1 for a country-disaggregated overview). The majority of sampled projects are located within forest-agriculture mosaics, characterized by patches of farmland used for land extensive smallholder agricultural production systems, such as shifting cultivation and flood-retreat agriculture, and secondary forests, which is typically an important source NTFPs. Five projects in Ethiopia, two in Ghana, and one project in Zambia are located within (flooded) grass-/shrublands where agro-pastoral production systems are comparatively prevalent. In Ethiopia and Nigeria, however, both sampled and non-sampled farmland investments were typically located in more sparsely populated areas. The number of persons adversely affected by investments tended to be smaller in extent relative to the combined project areas acquired and developed than in Ghana and Zambia.

Only in five cases was there evidence of (plans for) compensation payments to support livelihood reconstruction. Where compensation was payable, these pertain only to loss of individualized landholdings and not loss of access to common property resources such as forest, pasture, water, and areas of social significance. In one case in Ghana, replacement lands that were cleared by the investor was offered to some farmers within the estate in lieu of monetary compensation; though these lands reportedly failed to restore previous productivity and output levels.

Where the loss of access to farmland had taken place, project affected persons often experienced difficulties in regaining access to new farmlands of similar extent and quality, which typically resulted in a decrease in agricultural output. Most affected persons claimed that since insufficient land tended to be available for occupation within the community, accessing new farmlands increasingly involved commercial transactions. In the absence of monetary compensation, most households lacked the necessary resources for this, requiring them to downscale cultivation activities. The destruction of forests from which NTFPs are harvested also reduced cash income derived from marketing NTFPs and weakened its role in smoothing consumption. In the Ethiopian case studies where pastureland was frequently acquired, areas of suit-

able pasture were insufficiently available outside project areas in any of the cases studied. This led many to either reduce herd size or to graze cattle in the pasture areas of other ethnic groups. The latter was often cited as a source of violent conflict.

While the generation of new employment opportunities is generally the earliest and most direct project benefit, project affected persons rarely consider these opportunities to adequately offset lost production. Casual labor is the most abundant and locally accessible form of employment, offering between two to five months of employment per year (typically during planting, weeding, and harvesting). This type of employment offers little security and no secondary benefits; in contrast to contract laborers, which are hired typically from urban areas for more technical and managerial posts. Despite the relative abundance of casual employment opportunities, the participation of project affected persons was found to be limited to, what is often referred to as, 'idle' household members. These tend to be youths that do not adequately contribute to household income generating activities; often, because of lack of interest in subsistence farming. Particularly in Ethiopia and Nigeria, waged employment was also considered to be socially undesirable amongst affected communities since this has long been associated with (land-)poor migrant groups. This tends to originate from periods when large state farms were prevalent in these countries.

Frequently lauded technological and market spillovers were also rarely observed at the sampled projects. For example, none of the projects incorporated smallholders into their value chains through outgrower or tenant farming schemes (see Table 2 for an overview of investor initiatives to support affected communities). Although two investors in Ghana had plans to provide agricultural inputs to project affected persons to support intensification in the context of rising land scarcity, after more than four years of implementation, initiatives to that effect were yet to materialize. In Nigeria, three companies did offer some limited training and development, though this was limited to one-time tertiary education scholarships to one or two individuals per affected community. Development interventions to compensate for loss of livelihood resources were similarly rare; with only one company in Ethiopia promoting the uptake of alternative livelihood activities. Here, 250 beehives were gifted to affected communities to offset loss of access to NTFPs. While new market opportunities could hypothetically be derived from the influx of project employees, at none of the projects did affected communities consider these benefits discernible. This was mainly attributed to lack of surplus production.

The most common contribution to affected communities was royalty payments. In Ghana and Nigeria, most investors agreed to make annual payments to traditional authorities. In most cases, these payments were fixed and predetermined, though in two cases in Ghana, these took the form of profit-sharing arrangements. However, only in two communities (both in Nigeria) were these revenue flows used for the benefit of the wider community - typ-

Table 1
Projects involving loss of access to land and compensation.

Nature of loss	Ethiopia (n = 10)		Ghana (n = 9)		Nigeria (n = 14)		Zambia (n = 5)		Total (n = 38)	
	A	C	A	C	A	C	A	C	A	C
Loss of access to farmland	9	2	9	2	12	1	5	0	35	5
Loss of access to pastureland ^a	5	0	2	0	0	0	1	0	8	0
Loss of access to forestland	3	0	8	0	11	0	4	0	25	0
Total involving loss of access	10	2	9	2	14	1	5	0	38	5

A = number of projects where land users have been affected by a particular type of loss.

C = number of projects where land users have been compensated for a particular type of loss.

^a Pastureland includes only lands which are used permanently and exclusively for grazing purposes.

Table 2
Community development initiatives.

Type of initiative	Ethiopia (n = 9)	Ghana (n = 6)	Nigeria (n = 8)	Zambia (n = 4)	Total (n = 27)
Contract farming schemes	0	0 (1)	0 (1)	0	0
Provisions of inputs	0	0 (2)	0	0	0
Training and development	0	0	3	0	3
Alternative livelihood initiatives	1	0	0	0	1
Preferential hiring policies	0	1 (1)	0 (1)	0	1
Physical infrastructure	1	0	1 (1)	0	2
Community development funds	0	0	0	1	1
Periodic royalties	0	6	5	0	11
Total number of investors engaged in one or more activities	1	6	5	1	13

Note: Planned initiatives are depicted by brackets. Since initiatives are investor-, rather than project-, specific, data is depicted by investor.

ically for the rehabilitation or construction of community infrastructure, such as schools, community centers, and boreholes.

Besides high socio-economic costs and limited development contributions of sampled investment projects, many projects also involved the conversion of ecologically and culturally significant landscapes (Table 3). While the case studies in Ghana and Zambia were mostly located within degraded open to closed canopy woodland ecosystems, a number of projects in Ethiopia and Nigeria involved the conversion of primary tropical forests. Particularly in the latter two countries, many projects were partly or wholly located within nationally designated protected areas. In Ethiopia, many projects also encompassed vulnerable wetland areas and UNESCO World Heritage sites. Although conflicts with other economic land uses in such landscapes are often more limited than in mosaic landscapes, such landscapes provide important environmental and social services so they should neither be perceived as marginal and underutilized. This illustrates that agricultural investments rarely target degraded lands devoid of meaningful land uses, as many host country governments have suggested.

5. Key outcome determinants

Corroborating existing literature, the preceding section has shown that large-scale farmland investments in the four countries produce strikingly similar outcomes: customary rights over land are extinguished without adequate redress; negligible benefits accrue to affected communities; and ecologically and culturally significant land uses are converted. In other words, the investments in the case study countries fail to produce sustainable development outcomes associated with environmental conservation, social equity, and economic growth in a manner that respects basic human rights. Since the consent of affected groups was not sought in any of the cases, most investment also failed to adequately respect the right to choice and self-determination. This section will offer seven reasons why this uniformity of outcomes is observed.

5.1. Deficiencies in the law

Analysis of the national legal frameworks for regulating large-scale farmland investments reveals a large number of shortcom-

ings. The three most relevant issues are examined here. The first and arguably most important issue relates to the rules that govern customary land (use) rights (see Table 4 for an overview). For example, all four countries lack sufficiently comprehensive provisions to consult and elicit the consent of land users about impending land alienations. Although Ghana and Zambia in theory offer land users some degree of protection from involuntary expropriation by conveying customary land management institutions (e.g. traditional authorities) with alienation rights, in the absence of clearly defined duties and accountability structures, land users are subject to the goodwill of these institutions to act in their interests. Only in Zambia are conditions for alienation specified; for example, chiefs should consult affected persons and must declare that no interests in land are adversely affected by alienation. Although the legal rights and responsibilities of customary authorities are poorly clarified in Ethiopia and Nigeria, unlike Ghana and Zambia, land users are granted the right to be compensated for unexhausted improvements to the land - albeit in Ethiopia this is in practice restricted to holders of land certificates. At the time of research, land certificates were typically only accessible to smallholders in the highland areas where such investments are seldom encountered. The limited legal rights to subsequent land revenues, such as ground rent, which in all cases except Ghana is paid by investors in their entirety to the government, further deprives project affected persons from an opportunity to recover lost assets. These threats are compounded by the long duration of leasehold titles in the absence of conditionalities (e.g. in Ghana, Nigeria, and Zambia), the permanent reclassification of land (e.g. to state land in Zambia and for investment use in Ethiopia), and the lack of limits on land size (e.g. in all countries except Ethiopia).

The second issue relates to weaknesses in the procedures for identifying land. In Ghana, Nigeria, and Zambia, no comprehensive procedures are in place that incentivize or formally restrict investors to land areas where land use conflicts can be minimized. Only in Ethiopia are there formal criteria and procedures for identifying land appropriate for agricultural investment. However, all countries lack cross-sectoral land-use plans to support such efforts. Additionally, customary land has in none of the countries been properly surveyed and demarcated. Therefore, the only areas off limit to agricultural investors - at least according to statutory

Table 3
Projects located within ecologically and culturally significant landscapes.

Type of landscape	Ethiopia (n = 10)	Ghana (n = 9)	Nigeria (n = 14)	Zambia (n = 5)	Total (n = 38)
Secondary forest	0	8	5	3	16
Primary forest	3	0	7	1	11
Wetlands	3	1	0	1	5
UNESCO World Heritage site (cultural)	4	0	0	0	4
Protected area	5	1	7	0	13
Total projects located within one or more landscapes	9	8	12	5	34

Note: Some project extend across numerous types of landscapes, thus are recorded in the table more than once.

Table 4
Summary of key parameters on customary rights protection.

Parameter	Ethiopia	Ghana	Nigeria	Zambia
Customary ownership recognized	X	YES	X	X
User rights are protected from expropriation for investment	X	X	X	YES
Consent of community representatives required	X	YES	X	YES
Consent of community required	X	X	X	X
Community consultations required	X	X	X	YES
Right to compensation for loss of farmland	YES	X	YES	X
Right to compensation for loss of settlements	YES	X	YES	X
Right to compensation for loss of common property resources	X	X	X	X
Right for communities to share in land revenues	X	YES	X	X
Performance conditionalities in title	YES	X	X	X
Maximum allowable size of title	YES	X	X	X

law - are protected areas such as forest reserves and national parks. This has however not prevented such lands from being acquired by agricultural investors; the reasons for which will be explored in greater detail in the following sections.

The third issue relates to the limited mechanisms to capture the potential development benefits that these investments could theoretically deliver. For example, except for Ethiopia's Agricultural Investment Land Administration Agency (AILAA), there are no government institutions that are legally mandated to promote spillovers. Furthermore, none of the countries have enacted laws that stipulate investors' obligations to community or local economic development or that require provisions to that effect to be incorporated into leasehold contracts or investment permits.

These deficiencies in land and investment law are however partly compensated by more progressive environmental law. Since all countries adopted Environmental and Social Impact Assessment (ESIA) procedures modeled after international best practices, alternative regulatory avenues for addressing the aforementioned gaps are theoretically available. For example, the ESIA process is not only meant to inform project siting and identify potential environmental impacts, but is also intended to capture issues related to the protection of customary rights by mandating community consultations, and, as part of the ESIA's impact mitigation requirements, to formalize investor commitments to community resettlement and rehabilitation and long-term socio-economic development. The prominent role of the ESIA process in host country regulatory regimes further reveals the limitations of the laws that are principally intended to address issues of tenure security and poverty reduction. However, as will be elaborated in following sections, since the ESIA process is often selectively enforced it rarely plays to this role effectively.

5.2. Elite capture

The absence of sufficiently rigorous checks and balances on the conduct of traditional authorities in Ghana and Zambia exposes the land alienation process to iniquitous and exploitative conduct. In practice, customary elites were found to reap substantial benefit from the alienation process; even in Nigeria where chiefs have no legitimate authority over land. Negotiation encounters in these countries were typically characterized by opacity and secrecy, with alienation terms rarely disclosed to the public. In each of the three countries, chiefs tended to point to customary law in justifying what can otherwise be perceived as rent capture. For example, outsiders customarily pay homage to chiefs by gifting alcohol and commodities such as sugar, meal, and cooking oils. However, when large areas of land are alienated, many chiefs were found to demand more substantial contributions. In Ghana, most investors made one-off cash payments, in Nigeria, 'consultation and traditional rites fees' were demanded, and in Zambia, chiefs often required, besides cash, new 'palaces' and vehicles.

While Nigerian and Zambian land laws stipulate that chiefs should not derive individual rents from land transactions and the Ghanaian constitution requires that most land revenues be shared also with stools and lower tiers of government, the fuzzy boundaries between what could be considered a 'sales price' or 'land revenue' and 'custom' reveals how ambiguities created by legal pluralism are often exploited for personal enrichment. In Ghana, chiefs as a result were found to be more inclined to demand large one-off 'homage' payments than large annual ground rents, which unlike homage are formalized in leasehold agreements. Regardless, one-off and periodic payments rarely find their way to affected households, either directly (e.g. in the form of compensation payment) or indirectly (e.g. through reinvestment in community infrastructure). In all three countries, chiefs displayed considerable personal entitlement to land and associated proceeds. By prioritizing individual over collective interests, chiefs in practice demonstrated scant downwards accountability. [Boamah \(2014\)](#) asserts that in Ghana chiefs also often capitalize on land investments to re-establish their authority of land. Economic motives do appear to partly underpin this; for example, where land investments become a tool for evicting migrant farmers that fail to pay their dues.

Because rent capture compromises the imperative to adequately represent affected groups, communities were never genuinely requested to consent to alienation. Although consultations did take place in the majority of cases in Ghana, Nigeria, and Zambia (though in none of the cases in Ethiopia), these rarely provided a platform for voicing community concerns. Investors reportedly often used community consultation for obtaining a social license to operate by playing in on community expectations by presenting a highly modernized vision of rural development (see also [Smalley and Corbera \(2012\)](#) for similar observations in Kenya). Because consultations are typically intended to attract the buy-in of influential local opinion formers they were found to be rarely inclusive of more marginalized community groups; instead targeting elders, youth leaders, and sub-chiefs.

In this process, government actors were inclined to act more as facilitators than regulators. Although post-colonial land reforms in the three countries sought to rein in the political power of chiefs, the absence of the state from the countryside continues to bestow on chiefs important political functions. Since traditional institutions offer the only real space for political participation, chiefs wield, as 'vote-brokers', significant political leverage. As a result, most local governments are reluctant to interfere in chieftaincy affairs and rarely represented community interests when negotiating terms of alienation or approving leasehold titles. Although in Ghana, the government was largely absent from the negotiation encounter, in Nigeria and Zambia, public officials did frequently play a prominent role. Typically in an informal capacity, highly placed politicians, including ministers, commissioners, and members of parliament, were often found to assist investors in acquir-

ing land by linking these with chiefs that govern areas of interests. In cases where chiefs were unwilling to acquiesce, such officials often many managed to sway chiefs by exploiting their political leverage. Although difficult to establish whether the involvement of government officials outside official capacity was motivated by personal gains, locally, their intentions tended to be widely questioned. The alienation process is generally perceived to be an important opportunity for government elites to capture rent; in a number of cases in Nigeria, numerous officials allegedly received substantial payments to facilitate land deals. The approval of a large number of deals not legally eligible for alienation (e.g. forest reserves and national parks) suggests that processes of rent-seeking was likely widespread. Fairbairn (2013) made similar observation in Mozambique, where investors are often required to engage senior government officials to effectively maneuver through the complex and politicized bureaucratic process of acquiring land. This was considered *modus operandi* in Nigeria, where acquisition processes are especially protracted if investors refuse to 'acquire' bureaucratic influence.

Issues of elite capture were not apparent to the same extent in Ethiopia. Although this can partially be credited to the absence of a local landed elite, it can also be ascribed to the recentralization of land allocation functions to the federal level. For example, prior to 2010, when regional and district governments still retained the authority to alienate land, corruption in the alienation process was reportedly rampant, as was the tendency to allocate overlapping areas of land. This related in particular to the allocation of land to 'non-investors' interesting more in the extraction of timber than investing in land development. The elimination of this practice suggests that there may be some merits to a coherent, centralized land identification and allocation system. Moreover, in contrast to the other studied countries, with the location of land earmarked for investment and most leasehold agreements made available to the public, the Ethiopian land allocation process has become more transparent and, therefore, less prone to rent-seeking than in the other countries. However, this centralization partly deprives regional governments of their sovereign rights; for example, by being able to define their own (agricultural) development strategies, monitor investments on criteria based on regional priorities, and effectively undertake land use planning. Additionally, because of the weak separation of the federal state and the ruling party in Ethiopia, the centralization of land allocation authority also serves and could be abused for political ends. As some have suggested, this authority could be used as a tool to suppress regional opposition parties and nationalist movements and to deliver on contentious federal programs (e.g. villagization). The recent influx of agricultural investments prompted similar centralization processes in countries such as Mali, Tanzania, and Madagascar (see Hertzog et al., 2012; Burnod et al., 2013; Benjaminsen et al., 2013). Although similarly justified for enhancing efficiency and oversight, the desire to capture rents higher up the bureaucratic hierarchy appears to have featured more prominently in centralization decisions than in Ethiopia, where centralization did not involve changes to (official) revenue distribution arrangements.

5.3. Co-optation and conflicts of interests

In all the countries except Zambia, lower levels of government are the primary recipients of most, and in some case all, land revenues generated from investment. Within decentralized governance structures - where district and regional governments are increasingly held accountable for fund raising - district officials are more inclined to side with investors than their constituency since investor land revenues are systematically higher than revenues generated from the rural population. This tendency is fur-

ther reinforced by the political need to ally with traditional authorities and the widespread anticipation that investors will in future help alleviate the public service delivery burden (e.g. through community and infrastructure development activities). Therefore, while the downward accountability of local government in theory should increase under decentralization, this is compromised by conflicts of interest. In all four countries, local governments were, accordingly, incentivized to facilitate investment establishment; especially in Zambia where district councils are in an especially powerful position since land alienations cannot proceed without their formal endorsement.

Conflicts of interests are similarly present within the countries' investment promotion agencies (IPA) since they both have promotional and regulatory mandates. For example, in appraising the viability of business plans for investment permitting purposes, their promotional mandates may compromise the rigor of the appraisal process. Moreover, in the case of Zambia, since the late 2000s their IPA has begun to directly acquire land around the country for its land-banking program. By becoming a large landholder as a result, further conflicts of interest arise, especially since the sub-leasing of land from the land bank has become a source of revenue. In Ethiopia, conflicts of interests are also evident within AILAA, which, on the one hand, is mandated to meet national commercial agriculture expansion targets while, on the other, also has ESIA and compliance monitoring responsibilities.

The aforementioned conflicts of interest are arguably exacerbated by co-optation and cronyism. For example, in all four countries, investors were found to have offered well-remunerated positions to ex-politicians or to later hire government officials involved in enabling project establishment. In Ghana and Nigeria, there were even cases where government officials were hired as 'consultants' while in public service. In Nigeria, key posts within the state administrations are also rarely merit-based; the majority of senior officials were found to be rotating between different commissioner or directorship posts. Not only does this result in a close circle of political elites disinclined to denounce one another, but also creates situations where senior officials responsible for facilitating an investment are later placed in a position where they are mandated to regulate the investor. Efforts to develop a transparent land-banking system, for example, was met by heavy internal resistance, since this it was argued would limit opportunities for rent capture. Such issues were not only restricted to state actors - numerous chiefs, or relatives of chiefs, were also found to have conflicting roles. In Nigeria and Zambia, for example, chiefs and their kin often occupied salaried positions at projects. In a few cases in Ghana chiefs were also project shareholders. Such appointments confound existing accountability and incentive structures and serve to compromise those that are mandated to regulate investments.

5.4. Capacity constraints and cross-accountability

While the pursuit of self-interest enabled by power derived from resource access control and bureaucratic influence is a key outcome determinant, issues of capacity and intra- and inter-organizational collaboration were also observed. Such issues are particularly evident in the ESIA process, specifically, and in environmental protection, more generally. For example, in all four countries, environmental protection agencies (EPA) tend to be critically understaffed and underfunded. As a result, none of the EPAs were in a position to monitor whether projects had undertaken an ESIA or complied with environmental permitting conditions. For instance, only 10 of the 38 sampled projects had completed an ESIA at the time of research, despite all being required to commission one prior to commencing project development activities. In all countries, except Nigeria, EPAs claimed to be unaware of many

investment projects operating without an environmental permit. Other relevant sectoral agencies and ministries (e.g. land and investment), who tend to be most informed about investment projects and could demand compliance with environmental laws through the land titling and investment permitting process, failed to liaise with or support the EPAs. In Ethiopia, the EPA even claimed that AILAA purposefully kept environmental authorities uninformed; allegedly out of concerns that their intervention may jeopardize investor progress.

In Nigeria, on the other hand, where collusion amongst State government officials is prevalent, all environmental authorities conceded they were aware of both incompliance with environmental permitting procedures and protected area management regulations. Even though many investors in Nigeria are in clear violation of numerous federal laws, especially those operating within protected areas, due to the reluctance to implicate fellow officials (typically citing career implications), environmental authorities were unwilling to address violations. In Ethiopia, environmental authorities were similarly unwilling to contest AILAA allocations within protected areas. Such examples highlight the importance of power differentials relative to formal authority in shaping inter-institutional behavior.

Although the countries have adopted relatively progressive environmental policies and regulations during the 1990s, a major underlying problem is that environmental norms are poorly institutionalized. With all four countries being signatories of numerous conventions emanating from the 1992 Rio Summit, most environmental policies and ESIA procedures are not a product of internal domestic pressures, but largely of multilateral politics and technical support. This implies in practice that newly formed institutions such as the EPAs are not budgetary priorities and other state institutions have insufficiently internalized the merits of the ESIA, which tends to be viewed as anti-development.

5.5. High modernist ideologies

The previously discussed dynamics are produced, justified, and legitimized by rationalizing narratives on the virtues of private sector capital formation. Without exception and in line with what has been widely reported in other countries, agricultural investments in case study countries were actively supported by most government departments for their contribution to domestic agricultural 'modernization' objectives. As also noted by [Lavers \(2012\)](#), past smallholder modernization interventions in the study areas have systematically failed to deliver tangible results and many national government ministries expect that issues of corruption and mismanagement that plagued past interventions could be overcome through a more private sector oriented approach. Arguably, since liberalization and democratization reforms render many state interventions unfeasible, policy makers are increasingly embracing the private sector as a source of capital and inertia for rural transformation - signifying merely a change in approach, not objective. Accordingly, in each of the four countries, the high social and environmental costs of farmland projects and legal violations were consistently justified in the name of 'modernization'.

Discriminatory ideologies about customary land-use practices often underpin this modernization discourse, with assumptions that land without houses or permanent crops is 'unused' and 'unproductive' and land uses involving fire or itinerancy are by definition environmentally destructive. In Zambia, for example, government across scales and sectors condemned the inefficiency of forest swiddening, while in Nigeria, smallholders were said to actively resist modernization interventions due to distrust of government. In Ethiopia, land extensive livelihood systems, notably agro-pastoralism, and tribal practices were widely perceived as 'backwards', 'uncivilized' and inherently incompatible with

national modernization policies (see also [Moreda, 2015](#)). In justifying lack of community consultations in the land alienation process, many government actors argued that transitions to more intensive forms of production could only be achieved by demonstrating not by explaining the virtues of modern agriculture practices.

While this type of discourse resonates strongly across the various layers of government, highly westernized notions of modernity also prevail in affected communities. In almost all communities, with the exception of agro-pastoral communities in lowland Ethiopia, respondents were found to be exceptionally sympathetic to farmland investments. Typically, communities expected to benefit from well-remunerated employment, improved access to physical infrastructure, such as school, hospitals, electricity and clean water, regional 'prominence', and increased access to urban amenities. This is partly a product of poor awareness and access to information and the highly promotional nature of community consultations, but also from lack alternative development prospects. Regardless, such expectations tend to legitimize elite capture, undermine contestation, and discourage affected persons from demanding just compensation.

5.6. Lack of collective action and contestation

In Ghana and Zambia, dispossession was rarely contested. Although this is largely shaped by unrealistic expectations of future development prospects, local government and chiefs also actively suppressed collective action. They often played on unrealistic community expectations by claiming that conflict would drive investors to cease operations or discourage investors from delivering on their development promises. Although community resentment was in some of the Ghanaian cases directed at village-level chiefs for failing to represent community interests, because of widespread deference to the authority of paramount chiefs responsible for land alienation, such conflicts only played out at community level. Moreover, since chiefs are typically considered to be the 'custodians of tradition', by holding the power to define what constitutes customary law - for example, in justifying their authority to alienate land - in practice, chiefs can rarely be held to account through customary conflict resolution channels. Nevertheless, in Ghana some have noted that the legitimacy of the chieftaincy institution is increasingly being challenged by rising chiefly complicity in land grabbing ([Nolte and Våth, 2015](#); [Campion and Acheampong, 2014](#)). This would suggest that land investments could incite a gradual change in community authority structures.

Although Nigerian social structures strongly resemble those of Ghana and Zambia, community responses were more diverse. Associational life and processes of collection action in Nigeria are comparatively strong, with women and youths often organized through their own councils, with elected representatives. In communities where chiefly power was contested and/or where chiefs are similarly dissatisfied with company conduct, youth councils in particular were responsible for rallying communities against companies (e.g. in demanding compensation, replacement lands, or better employment conditions). Despite one case where this yielded results, in the majority of communities, however, chiefs were generally successful in warding off community opposition; sometimes by co-opting the leadership of influential community sub-groups. Since many chiefs had strong links with the public administration, often through politically influential kin, many community groups also feared reprisal from law enforcement officials. Moreover, divided interests within communities shaped by differentiated accumulation opportunities (e.g. employment, royalties, etc.) and magnitude of dispossession generated by investment often resulted in intra- and inter-community tensions on the desirability and/or direction of collective actions. This highlights that despite a strong activist tradition lack of cohesion

amongst and within community sub-groups tends to undermine the effectiveness of resistance movements; in line with findings from [Smalley and Corbera \(2012\)](#) in Kenya. Similar processes were observed in Ghana between indigenous and disproportionately affected migrant groups.

Contestation was especially prevalent in Ethiopia, where two of the ten projects were subject to fatal conflicts and six to community protests. In all cases, communities contested land expropriation. Because land alienations are a top-down rather than a bottom-up process as in the other countries, local leaders in Ethiopia play no meaningful role in the process. Therefore, none consented to alienation and could therefore be co-opted for conflict alleviation purposes. However, with companies lacking any real accountability to communities (as will be further discussed below) and local government admonishing discontented communities for being 'anti-development' and in two cases using violent force, contestation in Ethiopia failed to bring any tangible results. [Moreda \(2015\)](#) does however suggest that because the autonomy of regional government and their ability to effectively regulate investments has been undermined by centralization processes, they have scant incentive to resolve conflicts. Although the regional government in case study regions did begrudge their diminished authority, their rhetoric was very much in line with federal policy, as was their stance towards community-company conflicts. Findings however suggest that regional government was more inclined to intervene on behalf of high profile investments with political clout, suggesting that the strength of investor relations with federal government strongly shape the preparedness of local government to side with investors in case of conflict.

In similar fashion to the generally pro-investor stance of many chiefs, in the other three countries local government was rarely found to ally with communities, despite their representative functions. As has also been highlighted by [German et al. \(2013\)](#), this reveals a serious gap in customary rights protection in all the countries, namely that there are few viable independent pathways for affected land users to seek redress beyond the pathways through which land was originally acquired (e.g. chiefs and government). Although in theory, many communities did have legal grounds for contesting rights infringement before the judiciary, only in one case in Zambia (which was ruled in favor of the investor) were such actions taken. By and large, lack of 'legal capacity to claim', cohesive community interests, along with chiefly deference and high future expectations, greatly contributed to failure to pursue legal action. As also noted by [Campion and Acheampong \(2014\)](#) in a study on conflict in Ghana, while chiefs rarely act as neutral mediators, arbitration through the judiciary is typically the last course of action and only employed where the legitimacy of the chieftaincy institutions has been heavily eroded.

Civil society organizations (CSOs) could play an important role in assisting communities in overcoming these barriers and disincentives. Additionally, and perhaps more importantly, CSOs could function as impartial community representatives in negotiating fair terms of alienation or opposing alienation prior to the fact. In practice, however, CSOs were rarely involved in land-related conflicts and where they were they often missed the most important window for contestation (e.g. prior to alienation). This can partially be attributed to the opacity of the negotiation encounter and the inability of outsiders to become aware of land deals in a timely manner. Even so, in the case of Ethiopia and Nigeria, the state also actively resisted CSO participation - in Ethiopia through new regulatory obstacles and in Nigeria through intimidation of both CSOs and the communities they represent. Despite this, CSO advocacy was stronger in Nigeria than the other countries. However, the two campaigns that did take place were both compromised as community representatives typically withdrew their support

following political interference. Whether this is a result of threat or co-optation is unclear.

5.7. Incompatibility of production systems

As noted in the outcome section, few affected communities are able to effectively capture potential project benefits. With respect to employment, most households were unwilling to sacrifice important livelihood activities or considered employment to be social undesirable. This has multiple reasons, such as social identities derived from traditional livelihood activities, local stigmas associated with menial employment, fear of loss of (nutritional) self-sufficiency, insecurity of employment, and low salaries. Since employment opportunities also tend to be particularly abundant during their own most intensive farming months, employment is largely an activity reserved for household members that are not actively engaged in other economic activities. Thus, in practice, the burden of lost production largely falls on women and youths, who may have other important productive engagements (e.g. household duties and schooling). In Ghana, youth participation in plantation employment in some cases also gave rise to intra-community conflicts because of their inability to contribute to collective labor obligations such as farmland preparation and infrastructure upkeep.

Although affected households expressed greater interest in contract farming or in supplying investors on an arm's length basis, at the time of research none of the investors had implemented initiatives to that effect. Although some investors were weighing up plans to implement such schemes in future, most investors were for strategic reasons reluctant to productively integrate smallholders. In the Ethiopian cotton and the Nigerian rubber sector, for example, many investors reasoned that smallholder integration was economically undesirable and therefore actively discouraged. Since crops like cotton and rubber have little economic value without accessible off-take markets linked to capital-intensive processing facilities, if investors were to create a local market for these crops they risk incentivizing estate theft. One investor in Nigeria that acquired a state rubber plantation that had in the past also supported a rubber contract-farming scheme for that reason ceased all smallholder sourcing activities soon after taken over operations.

In the Nigerian oil palm sector on the other hand most communities had extensive experience in oil palm cultivation, processing, and marketing. Compared to rubber and cotton, processing oil palm is less capital intensive and can be done viably at a small-scale. Since communities operate along the value chain and off-take markets are comparatively mature, smallholders cannot be alienated from the sector. As a result, some oil palm companies instead sought to capitalize on the local oil palm production capacity by establishing contract farming schemes. These early initiatives were, however, unsuccessful because many oil palm smallholders viewed new oil palm projects as competitors not as new market opportunities. Investors were only interested in purchasing fresh fruit bunches, which yield less income than selling processed palm oil through informal markets. In this situation, integrating smallholders into corporate supply chains would threaten to undermine local value addition. This could deprive especially women, who tend to be most active downstream, from important sources of income. These findings suggest that productively integrating smallholders into plantation projects may not always be a viable or even desirable proposition.

5.8. Misalignment of corporate accountability

In most cases, investors were rarely held to account for their social and environmental performance. In Ethiopia and Zambia,

and in many cases in Nigeria, the state is the only contractual counterpart of investors and in that capacity bears a number of responsibilities to investors. For example, in Ethiopia and Nigeria, it is the responsibility of the state to ensure that the land is 'free from encumbrance' and all existing interests in land are dealt with before allocation. Similarly, in Zambia, with investors increasingly sub-leasing land from the IPA, unresolved land conflicts are the responsibility of the IPA, not the investor. In the absence of tripartite agreements, many investors in these countries were unwilling to accommodate or engage with discontented communities and would instead refer these to their contractual counterparts. Since leasehold contracts rarely detail any far-reaching commitments towards host communities and with regulatory authorities, especially AILAA who does undertake monitoring missions, more inclined to hold investors accountable on the basis of economic, rather than, social performance, companies have few incentives to actively foster company-community relations.

That said, the comparatively strong non-state institutions in Nigeria did compel many investors to actively seek a 'social license to operate'. However, engagements to that effect were often directed at powerful (and previously co-opted) community groups with capacity to appease community concerns, such as the chiefs and youth councils. Similar processes unfolded in Ghana, where chiefs too are the primary negotiation counterparts. Because of limited awareness of contract processes and provisions, the tendency of chiefs to prioritize personal enrichment, and lack of (state) intermediation, investors were generally able to negotiate highly one-sided contracts that would see social demands relegated to mere verbal commitments, which in practice few delivered on.

As discussed in Section 2, demand and supply-side pressures could encourage investors to comply with social and environmental provisions enshrined in (international) private standards. However, since most of the sampled investors relied on private or parent company capital and exclusively targeted the domestic market, such pressures were in practice largely absent. Only a fraction of the 27 sampled companies had a commercial imperative to adopt external standards; one company committed to voluntary certification (the Roundtable for Sustainable Palm Oil), two received funding from development finance institutions, and two planned to export biofuels to Europe. In these few cases, however, compliance with external standards appeared to merely translate into improved adherence to national laws. Four of these five companies had completed an ESIA, for example, compared to one of the other 22 companies. However, since the ESIA process is considered to be a mere formality, the veracity of the ESIA process and subsequent management plan is debatable. Moreover, since land laws offer limited formal protection to customary land users, improved compliance with national land laws also did not translate into greater respect for customary land rights.

6. Discussion: governance challenges and ways forward

This study shows that despite profound differences in especially land laws, local land users are systematically dispossessed of valuable livelihood resources without redress. This highlights that regulatory frameworks relevant to land tenure have limited bearing on outcomes. Ghana is an interesting case in point. Widely recognized as having one of Africa's most progressive land laws, outcomes do not differ materially from countries with more repressive land laws such as Ethiopia and Nigeria. This applies equally to Zambia, where statutory law arguably provides the most explicit protection of customary claims. This illustrates that legal reforms are unlikely to yield intended results if structural institutional issues relating to implementation and enforcement remain unresolved. For example, resistance to circumscribing historically

entrenched power and control structures are likely to undermine the effectiveness of land reforms, as is illustrated by frustrated efforts to establish customary land secretariats in Ghana (see [Ubink and Quan, 2008](#); [Amanor, 2008](#); [Peters, 2009](#)). Moreover, since many government institutions were found to capitalize on traditional authorities for political ends and to legitimize land alienations, quell resistance, and absolve the state from responsibility, without the introduction of new incentive and accountability mechanisms many stakeholders involved in the alienation and regulation process will be disinclined to destabilize existing accumulation structures. More importantly, the increasing commodification of land gives new meaning to alienation rights; without land markets, such rights have limited (monetary) value. In Ghana, Nigeria, and Zambia this serves to further consolidate and entrench chiefly control over land and provide new avenues for rent capture by both customary and political elites.

Reforming such institutional arrangements is no easy feat. While decentralization is widely supported for enhancing state responsiveness to society and enhancing downwards accountability ([Ribot, 2002](#); [Crook, 2003](#)), in the context of large-scale farmland investment, such processes were not discernible. With customary authority structures offering the only meaningful platform for popular political participation, there are few effective avenues through which accountability from local government can be demanded. Rather, the influx of investment capital has strengthened the alignment of local government with customary elites and corporate interests, in turn compromising its civic responsibilities. In some cases, decentralization rather appears to have merely decentralized rent seeking. Despite its design and implementation weaknesses, the centralized investment governance system in Ethiopia does have some merits; for example, in harmonizing land identification and allocation practices and compliance monitoring. This has also eliminated the conflicting interests experienced by many local government - by depriving them of an investment facilitation role - and the capacity of investors to engage in 'forum-shopping' - for example, to seek out those local state and non-state actors most amenable to rent capture and co-optation. However, as discussed, centralized power over important resources such as land could be used to undermine the political and administrative autonomy of important sub-national institutions and enhance central government territorial control over poorly integrated spaces. Moreover, in the absence of a clear development vision and accountability structures, as shown by [Benjaminsen et al. \(2013\)](#), centralization of investment governance processes also centralizes rent seeking.

Despite the obvious need for greater focus, at least initially, on institutional rather than legalistic reforms, findings do highlight a number of legal reform priorities. For example, in Ethiopia and Nigeria where formal protection of customary land rights is comparatively weak, investors and governments are paradoxically more inclined to avoid densely populated lands. This illustrates on the one hand that in countries such as Ghana and Zambia, where customary land management institutions are bestowed with important alienation rights, dispossession is easily legitimized. More importantly, it also shows that greater consideration for anthropogenic land use conflicts can be fostered by making land a 'compensatable good'. For example, both the Nigerian and Ethiopian governments were disinclined to facilitate the alienation of those lands where land users have legal rights to compensation (e.g. in Ethiopia in areas where land users possess land certificates and in Nigeria in customary land areas) - especially since the government bears payment responsibilities. Because of this, both governments instead were inclined to allocate lands in areas where land users have no legal rights, which in these contexts were typically common property areas such forests and pasturelands, protected areas, and defunct state farms. This not only encourages

government to target protected areas and areas of high ecological significance, but also tends to disproportionately impact vulnerable groups without legally recognized user claims, such as forest-dependent communities, (migrant) encroachers onto state lands, and (semi-)nomadic groups. Therefore, the leakage and displacement effects of greater protection of certain user claims but not others can only be offset by recognizing the entire bundle of rights, including secondary, overlapping, and periodic rights, regularization of 'illegal' land occupations, and improved enforcement of environmental protection laws.

Extending rights to (fair) compensation could thus play an important role in shaping land identification decisions, while also contributing to asset restoration and livelihood reconstruction. Despite its importance, this does not address the right to self-determination that is systematically abused. This suggests that community consultations and consent procedures would need to be strengthened. Increased respect for principles of free, prior, and informed consent (FPIC) is widely called for (von Braun and Meinzen-Dick, 2009; de Schutter, 2011; Toulmin et al., 2011; Borrás et al., 2013). The principles of FPIC form the basis of numerous voluntary certification systems, codes of conduct, and international declarations and have gained universal acceptance as a tool for strengthening indigenous rights, improving local bargaining power, and promoting more equitable outcomes when dealing with more powerful state or corporate actors (see Colchester and Ferrari, 2007; UN, 2007; Hill et al., 2010). Since the right to FPIC is derived from the right to self-determination and sovereignty over land and its resources, it also sits comfortably with more radical movements. Nevertheless, findings suggest that in practice FPIC may be a troublesome concept. Considering the widespread desperation for 'development' amongst land users, even when impartial actors adequately inform communities of project risks, high receptiveness to investment and associated development promises will in many situations sway communities into relinquishing their landholdings. This will, consequently, only serve to legitimize and justify land alienation and deter communities from demanding just compensation. Moreover, in the context of common pool resources, what constitutes a 'community' and 'community consent' is a fuzzy concept; communities are not homogenous and consist of social hierarchies with layers of rights that could have substantial bearing on consensus forming processes. Moreover, the widespread deference to chiefly authority, social fragmentation caused by unequal distribution of costs and benefits, and subordination of minority groups all pose further challenges to operationalizing FPIC. Therefore, a 'shared will' will unlikely be an outcome of FPIC and additional social safeguards will need to be put in place.

7. Conclusion

This paper has illustrated that even though the outcomes of large-scale farmland are fairly uniform across the countries, the underlying processes that shape these outcomes are more diverse. While analysis of the legal underpinnings has revealed numerous deficiencies in land, environment, and investment law, the apparent ease with which statutory safeguards are ignored points at more important underlying institutional issues. Such issues include conflicts of interest, co-optation, elite capture, insufficient inter-institutional coordination, inadequate capacity, and pro-investment ideologies. While sustainability impacts may not differ profoundly, the extent to which the different types of institutional issues manifest themselves is highly country-specific. In Ethiopia, for example, issues related to conflicts of interest, inter-institutional coordination, and pro-investment ideology strongly influence outcomes, while in Nigeria, issues of elite capture and

co-optation are of particular relevance. Regardless of the pathways, the consequent lack of effective regulatory enforcement and unwillingness to introduce meaningful new safeguards exacerbates the threat of underlying structural issues related to, for example, deference to local hierarchies, easily raised community expectations, the incompatibility of production systems, and the absence of accountability by many investors. Since the case study countries represent a diverse cross-section of African governance systems, similar processes can be anticipated in many other investment destinations, as outcomes observed in countries such as Cameroon, Liberia, Mali, Mozambique, Sierra Leone, and Tanzania also suggest. This could lead one to assume that farmland investments in sub-Saharan Africa are inherently unsustainable without well-functioning checks and balances.

Although findings produced insights into some of the political-economic complexities of developing more effective investment governance systems in Africa, its main contribution lies in furthering our understanding of the different processes across scales that drive outcomes; thus linking what has to date been rather narrow and disjointed lines of inquiry. In doing so, this research has shown that meaningful discussions on investment governance cannot take place without a thorough understanding of the dynamics of underlying socio-political systems and the arenas in which those systems manipulate, (re)produce, and legitimize existing power and authority structures and the aforementioned institutional issues. In this respect, this paper is very much in agreement with Burnod et al. (2013), Fairbairn (2013) and Moreda (2015) on the need to more explicitly capture the mediating role of micro-politics. Findings, for example, show how the interests of many state and non-state actors are strongly aligned with those of investors, which in turn undermines domestic procedural and distributive justice. Unpacking the interests, ideologies, and power sources of the actors that constitute these strategic coalitions and how these manifest themselves in internal and external relations and resource distribution patterns is central to identifying viable mechanisms to enhance the sustainability of farmland investments. Despite similar sustainability outcomes across cases and countries, the power dynamics that produce outcomes are highly context-specific and therefore cannot be addressed through blanket interventions.

However, findings do suggest that ascribing investment outcomes simply to the results of power imbalances and competition over authority may obscure other structural issues. For example, conflicts of interests could arise when power is exercised for personal gain, but also from overlapping and competing roles and mandates; lack of community collective action could be ascribed to reduced social cohesion caused by benefit capture by more powerful community sub-groups, but also by lack of alternative local development prospects; and investor failure to productively integrate affected communities could be the product of their political leverage and the co-optation of regulators, but also of business model incompatibility. Correcting power imbalances would not fundamentally resolve such issues.

This research has also exposed unique weaknesses in the land tenure systems of the four countries when these are subjected to new market forces. Both modern and customary elites are able to capitalize on ambiguities in the land law and asymmetric bundles of power to capture new market opportunities. This in turn serves to advance the interests of private capital at the expense of developing more pro-poor investment policies that help address structural market failures and strengthen rather than weaken tenure security. As farmland capital over time becomes more embedded in elite accumulation strategies and begins to feature more prominently in public revenue generation, not unlike rentier economies such as Nigeria, historical inequalities may be exacerbated by generating new opportunities for patrimonial accumulation and

reducing the political imperative for providing proper civic representation. As the Ethiopian case and studies in Madagascar, Mali, and Tanzania (Burnod et al., 2013; Hertzog et al., 2012; Benjaminsen et al., 2013) have illustrated such processes could also incentivize a reconsolidation of state power over land and its proceeds. This not only undermines devolution of state authority, but also discourages land reform and enhances the risk that centralized land allocation prerogatives are abused for political ends, as observed in Ethiopia.

Such processes illustrate how many state and non-state institutions within developing economies interface and coalesce with global capital, and of the threats these coalitions pose to sustainability. Since this capital is produced and given meaning by a geopolitical system that rewards (land) market liberalization, deregulation, and global productive integration and derives legitimacy from emerging international food and energy security, agricultural modernization, and low emission development discourse, its influx into frontier markets threatens to strengthen the articulation of powerful domestic stakeholder groups to global rather than local development objectives. This points to a need for a radical rethink of the types of accountability and incentive structures that in this increasingly globally interconnected context can contribute to reconciling diverse institutional interests with bottom-up development approaches. Non-state market-based instruments cannot resolve this challenge alone.

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