Large-Scale Land Acquisition as Commons Grabbing: A Comparative Analysis of Six African Case Studies

Tobias Haller, Timothy Adams, Desirée Gmür, Fabian Käser, Kristina Lanz, Franziska Marfurt, Sarah Ryser, Elisabeth Schubiger, Anna von Sury, and Jean-David Gerber

Introduction

Policies that underlie the practice of large-scale land acquisition (LSLA) in relation to marginalized groups in Africa contribute to the debate regarding *land grabbing* viewed as *commons grabbing* and the way local actors resist such practice. Land grabbing is an important topic discussed in academia and also addressed by NGOs (Cotula et al. 2009; de Schutter 2011; Behrman et al. 2012), but there are very few comparative case studies on the issue.

In 2013, FAO published the guidelines for gender equity in the context of LSLA, related to the mainstreaming of gender equity. The document outlined the principles for equal gender participation in land-related policies and highlighted the need to extend discussion beyond narrow gender topics to include governance as well as institutional and customary issues (i.e., access to resources and inheritance). This publication was followed by a debate regarding Sustainable Development Goals (SDG) 1, 2, 3, and 5 (see UN SDG homepage[1]), where gender issues were discussed in regard to sustainable development, but without focus on economic, political, and ecological contextualization, and essential to this debate bottom-up institution building processes (see Haller and Merten 2008; Jones and Chant 2009; Haller et al. 2016, 2018).

We fill this gap as this chapter examines how LSLA practices impact the existing power structure that governs local access to common pool resources, gender-based

[1] http://www.un.org/sustainabledevelopment.

T. Haller (✉) · D. Gmür · F. Käser · K. Lanz · F. Marfurt · S. Ryser · E. Schubiger
A. von Sury
Institute of Social Anthropology, University of Bern, Bern, Switzerland
e-mail: tobias.haller@anthro.unibe.ch

T. Adams · J.-D. Gerber
Institute of Geography, University of Bern, Bern, Switzerland

L. R. Lozny, T. H. McGovern (eds.), *Global Perspectives on Long Term Community Resource Management*, Studies in Human Ecology and Adaptation 11, https://doi.org/10.1007/978-3-030-15800-2_7

division of labor, and food security. We also address a larger issue of increased livelihood vulnerability that results in what we call *resilience grabbing*—limited capacity to resist external and internal shocks and hazards. We address commons grabbing in the context of investments that change and shape access to communal lands previously regulated by kinship and lineage rules, which for women in Africa relate to their marriage status. These are now challenged under LSLA policies.

The Neo-Marxist approaches of the 1980s and 1990s (see Meillassoux 1981) stimulated the discussion on gender in relation to local LSLA cases. Our project adopts the New Institutionalism perspective (see Ensminger 1992; Haller 2010, 2013) that provides a theoretical tool to discuss ideologies, discourses, and narratives of companies, governments, elites as well as local actors on community level and within and between households. Ideologies are used to justify strategies employed to cope with the new LSLA-related challenges and also includes emic perceptions of men and women in the context of newly organized gender relations linked to resilience grabbing. Our approach is actor-oriented, focuses on gender-based labor relations, and links these to the debate regarding access to land and related common pool resources. We discuss how external economy, legal context, natural environment, immigration, and technological change lead to change in relative prices for resources that impact the bargaining power of actors and also ideologies (legitimacy created by discourses and narratives) of power relations that stimulate institutional choice of actors regarding access to and distribution of resources. The actors find themselves in an institutional pluralism of customs accompanied by state and foreign company laws that provide context for selection, transformation, and innovation, which we call *institution shopping* (term inspired by the concept of *forum shopping* in legal anthropology (see von Benda-Beckmann 1981). The process is founded in precolonial institutions, colonially transformed customary rights, and modern state and private property rules. International regulations on environment and development of human rights constitute a multiplicity of institutional options from which actors select actions according to their bargaining power and strategic goals (see Haller 2010, 2016). Such selection must to be considered in relation to coercion and feasible opportunities, however.

In order to understand the impact of LSLA on gender and women's bargaining power, as well as the institutional settings that emerge, we need to know more about the effects on land tenure and inheritance issues. These are very much shaped by family, internal labor relations, and group membership and by unbalanced interactions and presence of men and women in the household (for instance, issues of polygamy in African contexts). Such an approach does not exclude single female-headed households.

Our findings show diversity in marginalized groups: the case from Morocco presents the context of women's reduced opportunities to articulate their will, while cases from Ghana and Sierra Leone illustrate traditional options to access the commons. Sections on Kenya, Tanzania, and Malawi outline strategies related to patri- and matrilineal kinship systems, which provide access to land and land-related commons for daughters of certain lineages. Such differences impact norms regarding women's workload and the degree of dependency/independency from men and the family. We argue that as female-related institutions of co-ownership of the commons and access to the commons increase the bargaining power of women and marginalized groups, the better they face the new challenges.

On the other hand, we show that the past is crucial to understand LSLA's impacts on local groups as it involves institutional, political, and economic changes that shaped gender relations that existed before LSLA. Thus, we compare six empirical cases and the way customary/common property-related institutions governing access to land and related resources have transformed during the colonial and postcolonial times and what circumstances legitimize the policies of new states and international institutions. We identify the impact of LSLA under the changed conditions, including household labor, reproduction and child care, inheritance issues, and access to marginal common pool resources that contribute to food production and secure cash flow, i.e., the conditions that enhance the household's resilience. We outline strategies men and women develop in households and groups to defend their interests under the new LSLA and the impact these changes make on food security and group resilience.

Since the food, finance, and fuel crisis—called the triple F crisis—started in 2005 (Toulmin 2008), scholars hint to the fact that interest in land acquisition has massively increased. International investors from Europe, the USA, China, and economically rising countries, such as India, Brazil, South Africa, and the Middle East (Saudi Arabia, Kuwait), buy or lease land in Africa. There—as the dominant discourse suggests—land is cheap and abundant, much of it apparently being wasteland, lying idle or underused by economically underdeveloped peoples. Discursive justifications relate the reasons for these investments to the need to intensify food production in order to increase food security of the investing countries, to adapt to stock fluctuations by looking for a secure harbor for capital, or to respond to the expected growing market for green production of energy in form of biofuels (see Borras et al. 2010; Hall 2011; de Schutter 2011; Zoomers 2011; Anseeuw et al. 2012, to name some authors of this growing body of literature). This amplified interest led to the "land rush" phenomenon that contributed to anticipated negative effects on local people due to loss of land and production facilities. It also made negative environmental impact due to large-scale agrobusiness investments and infrastructure as more than half of the large-scale land investments of 32 million ha are in Africa and relate to communities living at the margins of their livelihoods, facing challenges in food security, health and sanitation, and environmental problems (International Land Coalition [ILC] media report June 2013; see land matrix of ILC, Geiger et al. 2019).

Turning land to the production of biofuels or food for export has led to major criticism by the media, politicians, and scholars. On the one hand, the critics representing other than Neo-Marxist positions (see Basu 2007; Baird 2011) argue that this process further undermines the ability and resilience to secure livelihoods in the Global South (see de Schutter 2011). Interestingly, this was the argument made by dependency theorists in the 1970s, namely, Frank (1975) and Wallerstein (1979). On the other hand, mainstream scholars, such as economists and scientists from the World Bank, focus on developmental gains stemming from new investments and argue that these "necessary" attainments cannot be made by smallholders (reiteration of Rostowian modernism since the 1960s; see Deininger 2011). Especially LSLAs that work through outgrower schemes are presented as win-win scenarios as farmers can stay on their land and are guaranteed income (Glover 1987; Porter and Phillips-Howard 1997; Coulter et al. 2009). However, some researchers argue that LSLAs undermine all efforts for sustainability and resilience on local scale. LSLA projects often involve large-scale modern technology that requires huge quantities of water and energy inputs that are detrimental to local developmental needs. As these resources are scarce, LSLA contribute to competition between new investors and local peasants.

Contrary to this position, modernist scholars argue that since more effective and efficient technologies are employed, these will save resources and reduce negative impacts (see summary by de Schutter 2011). This debate has now extended its focus on land in order to include water and other resources leading to introduction of other "grabbing" terms (water grabbing, green grabbing (for protected areas), etc.) but often ignored the vast literature on the commons.

Thus, one perspective is to focus on positive effects of investments in local scale (development discourse) or structural robbery (land-grabbing discourse) with its negative impacts, while another would be to discuss the conditions under which such activities take place. The latter implies a question related to the New Institutionalism theory and political ecology: *Who are the actors, what power they have, and what is the purpose of their actions?* (see Blaikie and Brookfield 1987; Biersack 1999; Blaikie 2006). In historical developments of countries from the Global South, there are two facts worth mentioning. First, neoliberal or mainstream economic policies have led to decentralization of strategies in order to reduce government expenditures in governance, especially related to the management of natural resources. Land reforms and participatory co-management schemes were pushed from above, often inspired by international actors such as the World Bank (see Blaikie 2006). These reforms form the *conditio sine qua non* for further actions enabling governments to provide debt services and thereby receiving further aid. Decentralization is then linked to the quest for participatory approaches, which do not contradict the neoliberal view at all. Such quest at the community level of the otherwise centralized and costly services is appealing because of two reasons: (1) it is thought to cut transaction costs and (2) it applies the discourse that the local people are aware and supportive of the "magic bullet" provided by capitalism, i.e., linking business with (sustainable) development through participatory process. The notion of land reforms leading to privatization gives the impression of local ownership of land. This is the very basis for participatory action and is precisely what has happened with investors who buy or lease privatized lands. Such investors then publicly argue that the developments are in line with code of conduct including Free Prior and Informed Consent (FPIC) (Franco 2016, Borras et al. 2013, Lanz et al. 2018).

The second point relates to the question of land tenure from historical and area study perspective. Numerous studies address Africa, Latin America, and Asia; however, information on African land tenure rules reveals specific differences (see Peters 2009, 2013; Haller 2013). In Africa, the colonial process took place much later than in Latin America. In the latter case, regions were colonized between the fifteenth and eighteenth centuries, and land was seen as belonging to the colonizing state. Through historical struggle, the notion of indigenous groups translates into their land rights and the context of immigration into their areas (for a debate on this issue, see Haller et al. 2007, Niederberger et al. 2016). These groups faced land grabbing as commons grabbing earlier and developed strategies to defend their claims (Wolf 1983; see Stocks 2005 for debate on indigenous peoples in the Americas).

Although in Africa white settlers have not invaded the lands with such a rigor and scale as in the Americas, land tenure issues still suffer from the colonial gaze: from the colonial viewpoint, “real” land rights—often perceived as private property—do not exist in these communities; land is open access resource with usufruct rights and therefore lying idle and ripe to be taken (see Chanock 1991, 2005; Peters 2009). The denial of ownership and hinting at the notion of the commons as open access outrules the possibility of collective ownership in a serious way. It entails the discourse that land and its related resources such as fisheries, grasslands, water, wildlife, and forests have to be managed by the state—a view that fits the tragedy of the commons narrative (Haller 2010). The discourse that African customary land tenure denies property rights underlies the ideology that the use and management of such resources is unstructured and not coordinated at the local level (see Chanock 1991; Peters 2009). Despite evidence that badly enforced state property encourages overuse of resources (see Ostrom 1990, 2005; Haller 2010, 2013, 2016), state ownership and subsequent privatization is the dominating strategy in Africa. Actors with high bargaining power encouraged by internationally pushed neoliberal concepts on land laws see privatization as an easy opportunity to obtain gains from the resources. Despite the evidence that such laws are never fully implemented (Bayart 1989), they provide guidelines for decentralization and privatization of land and related resources (see Brown 2005 for an illustrative example from Zambia; Haller 2013). Therefore, a closer look at African tenure and property systems with a critical gender lense is needed.

Property, Common Tenure, and Gender in Africa

Chanock (1991, 2005), Peters (2009), and Haller (2010, 2013) pointed out that local property ownership used to manage resources in Africa is a mixture of private and collective rights and often includes overlapping rights (strangely called primary and secondary rights). They are adapted to local cultural landscapes and are the result of conflicts, negotiations, and local management. While the notion of boundaries exists among different groups, these boundaries are permeable and allow for flexible fixes as response to changes in the man-made environment as well as climatic and disease constraints. One thus should not speak about pure nature but about cultural landscape ecosystems created by their institutionalized use and governance (Haller 2013, 2016; Haller et al. 2013). These rights are also not fragmented as in European systems, and we find interrelated rights to water, land, pasture fisheries, and wildlife resources, often based on reciprocal arrangements. There are leaders who gain more but who are accountable to a larger body of people and who can be challenged in case of unfair activities (see Haller 2010 for discussion on tenure systems and common property institutions, and the management of common pool resources in floodplains, and Haller et al. 2013 for discussion regarding pastures in floodplain areas). At this point, it is important to note that these rights are partially undermined by the colonial and postcolonial (state) administrations leading to institutional change from common to state and private property or open access (Haller 2010). And if they are not undermined by the state and its government, they are under severe pressure by immigrants from other areas who argue that as citizens of a state, they can claim access because of the fact that these are still state-controlled resources and therefore state property (see Haller and Merten 2008). The discourse of citizenship is crucial here and serves as ideological justification to secure free access as states have financial difficulties to enforce their laws (a paradox of the state being present and absent at the same time, see Haller 2010, 2016). The problem of local property is not solved by decentralizing governance for two reasons: first, state and local elites that have profited from this form of governance find the means (called repertoire of domination by Poteete and Ribot 2011) to use decentralization in order to recentralize governance while not paying for monitoring and sanctioning and, second, local actors have adapted to changing power structure and use decentralization policies to increase what in the New Institutionalism approach in social anthropology (see Ensminger 1992, Haller 2010) is called bargaining power (i.e., the power to have better options in negotiating control over other actors). These two groups (state agents and local elites, chiefs in the African contexts) then are keen to open up the local institutional setting to foreign investment. In this way, elite's decisions are seen as informed consent of the whole community (Brown 2005; Haller 2013).

Influenced by such land and resource tenure dynamics, local institutional settings have different impacts on women and men and shape their relations and strategies when facing LSLA. Generally, social anthropologists discuss gender relations from the point of view of the social construction of the way women and men interact. Both are assigned rights and obligations in a power specific and asymmetric way. In anthropology, male anthropologists saw women's role in society through the male lens. Women were perceived in the context of exchange systems (women circulating between different groups in exchange of bride wealth), functional for procreation and material as well as subsistence-based reproduction of the working forces of a household, a group, or a whole society. Since Annette Weiner's (1976) reexamination of Malinowski's male-oriented centricity, scholars have indicated that such biased view is not fully explanatory. However, current studies in social anthropology focus on women only and not on changing gender interactions in several domains such as institutional (matrimonial, kin related, legal, property, etc.), or economic (gender-specific division of labor), and political (control over assets and decisions) domains (see also for a critique Narotzki 1997; Wilk and Cliggett 2007).

Such a gap might be filled by taking into consideration older theoretical debates in the new context, for instance, the work by Claude Meillassoux merged with contributions from feminist political ecology and feminist economics. Claude

Meillassoux shaped the Neo-Marxist debate in the 1970s, as he reintroduced the focus on household economies and gender-specific divisions of labor, indicating that in the domestic mode of production, woman's role was similar to the factory worker or the farm worker being exploited for the surplus value she produces. In the African context, however, older men exploit younger men and women. The latter provide surplus production, especially reproductive work and care (Meillassoux 1981). This Neo-Marxist position led to a wave of new studies in gender relations that discuss institutional, economic, and power issues between the sexes within and outside the household. Women in this view play the role of cheap laborers reducing the cost for male and female labor. This debate was then linked with the discussion on subsistence-based production that was analyzed as not being separate or traditional, but a modern interrelated part of the capitalist system (Elwert 1980). However, the Neo-Marxist analysis suffers from the avoidance to discuss strategic interests of all actors in such a setting. This does not downplay power asymmetries—on the contrary, this view brings in power asymmetries. Such asymmetries can lead to more inter-household conflicts and violence between women and men and to increased pressure on women (Dolan 2001).

In further debates, feminist political ecology introduces gender as a critical variable in shaping resource access and control, interacting with class, caste, race, and ethnicity to shape processes of ecological change (Rocheleau 1996). In this tradition, environmental issues are approached from the lens of social, distribution, and knowledge conflicts. The focus is clearly on power structures and women's and men's strategic interests that determine access and control over resources. Studies in feminist political ecology also suggest that women are often at the forefront of movements fighting environmental changes (Rocheleau 2001). In feminist economics and development studies, the work of Ester Boserup (1970) had crucial impact in documenting women's productive roles in society, particularly in agriculture. It led to a change from seeing women as passive recipients to active agents of change and development. Feminist economists (e.g., Molyneux 1979) highlighted how the unpaid care work provided by women is crucial to the functioning of any economy and society and how women's ability to provide care is often stretched to the limit when new modes of production require their labor power (e.g., Cagatay and Ozler 1995; Orloff 2002,) or through changes in their institutional and environmental setting. Women, in most developing countries, are also in charge of household food security (see, e.g., De Schutter 2011)—a role, which also comes under stress during environmental and institutional change. A focus on care work, as one of the domains in which gender inequalities are the most pronounced and hardest to change, is therefore highly important for any study on gender relations (Razavi 2007).

A combination of these three theoretical strands of thinking (common property tenure approach, Neo-Marxism and feminist political ecology) aids the focus of this chapter to see exactly who and how shapes the bargaining power within the household and the community. Following the framework of New Institutionalism, we therefore analyze how land area and the resources linked to it increase in value, leading to LSLA, which thus adversely impacts local institutional change.

These changes are related to current globalization developmental schemes. Since the colonial era, which concern issues such as access to land, common property tenure gave women specific rights, shared temporal ownership, and usufruct rights to land and over common pool resources related to land. However, with globalization and subsequent institutional changes, women's rights to land are challenged by external actors and by males within the household, who try to gain access to the land and/or related resources, as prices for these resources are increasing (see Haller and Merten 2008; Veuthy and Gerber 2011; Haller 2013).

As the studies reporting on the commons in African floodplains suggest, such challenges lead to many different pathways of institutional change regarding access to land, which often, as state property, turns into open access regimes due to lack of governmental enforcement, or to closed-range land via privatization. The actual LSLA practice falls in such a context that has reconfigured access to resources and possibly adaptation strategies. The preliminary evidence from the literature on LSLA indicates that access to land by women and other marginalized groups, including common pool resources (i.e., fuel wood, water, wild foods), is threatened by these investments (Schoneveld et al. 2011; White and White 2012). Thus far, there is no literature reporting on broader institutional changes in gender relations due to LSLA and the strategies women adopt to cope with these changes. This chapter aims to outline the current developments in such contexts. It adopts a historic perspective with a focus on institutions together with bargaining power of the sexes at the household, extended household level, and possible higher scales. Here the issue of how to legitimize one's institutional choice and strategies or how is resistance shaped in line with the New Institutionalism approach used in social anthropology (see Ensminger 1992; Haller 2010) is of central interest.

In the next section, we present six case studies that illustrate the processes of commons and resilience grabbing while at the same time indicate that different local actors are not just victims of the tragedy of the commons but are engaged in dramas related to commons grabbing. They develop a wide range of strategies to cope with such pressures. We start with cases from Northern Africa (Morocco) and West Africa (Sierra Leone and Ghana) and then move to Eastern Africa (Kenya and Tanzania), before finally reaching the Southern-Central African context (Malawi). These are mixed cases of LSLAs focused on solar energy production (Morocco), biofuels or flex crops (Sierra Leone and Malawi), food crops such as rice (Ghana and Kenya), and timber production (Tanzania), all mostly for the international or national markets. All of these cases relate to investments by European companies, one US enterprise, and a joint venture of local state and European investors. There is a different degree of compensations and corporate social responsibility (CSR) policies involved and also a different degree of LSLA with either hidden or obvious land-grabbing practices. These studies also reveal that compensation payments and CSR programs were not efficient and resembled what Ferguson (1994) called anti-politics machine, hiding political processes of commons grabbing. Such activities subsequently lead to resilience grabbing, because the loss of the commons undermines the capacity to adapt to food and cash crisis for marginalized groups. All cases show that common property institutions existed but became state or private property with mixed responses from different local stakeholders, including local elites and state administrators.

Presentations are in geographical order from Northern to Southern Africa. The authors describe precolonial institutional settings of the commons and their colonial and postcolonial transformations and subsequently analyze the new land deals viewed as commons grabbing and the reactions by the local actors.

Green Energy Investment as Commons Grabbing in Morocco[2]

Morocco focuses on green energy transformation. It developed "Noor Ouarzazate" (the light of Ouarzazate), the largest solar project in the world, comprising an area of 3000 ha, situated in the arid and semiarid Anti-Atlas, containing lowlands and several rivers important for water use. The parastatal Moroccan Agency for Sustainable Energy (MASEN) runs the project with participation of international investors and technology providers from the European Union (EU), mainly Germany and Spain, and also Saudi Arabia (Fig. 1).

Fig. 1 Solar panels on common land by the Solar Project Noor II in Ouarzazate, Morocco. Photo by Tobias Haller

[2] Data based on PhD research by Sarah Ryser (funded by the Swiss National Science Foundation in the Project LSLA and Gender in Africa, Grant: 10001A_152773, see also Ryser 2019).

The land was a common property of the Berber subclan Aït Ougrour (part of the Imghrane clan), governed by local institutions that regulated access to wet season pasture and veld products such as plants used for fodder. The common property arrangements were vital for the marginalized groups and women as well as for herders from neighboring communities with whom the local groups have reciprocal arrangements of resource use. The local Berber group is organized in clans and subclans living in villages in which a council of the elders is the ruling body. Before European colonization, the monarchy of Morocco had little control over the area. Since the times of the French Protectorate, the area has experienced several land investments such as the construction of dams. The French administration and later the post-Protectorate state build infrastructure and controlled this area by establishing state administration at different levels, from sub-areas to the village level. The current solar project is not the first state-controlled project, but it is of particular interest as the investment followed the assessment of the area as wasteland, and thus payments for the commons were low.

The appropriation of land was organized as follows: common land had to be expropriated from the state's energy company (Office National de l'Electricité et de l'Eau potable (ONEE)), which then transferred the land to the MASEN because land in common property cannot be sold directly. The leaders of five village communities were invited to sign the contract. The price fixed by the state was based on the argument that it is a fair appraisal for a desert wasteland. The state and the MASEN justified their investment through green development discourse that included sustainable energy development, creation of jobs, activities in cooperatives, health and sanitation, education, and new infrastructure that will be brought to the area. The proceeds from the land sale did not go to the communities directly, but to a state-controlled fund managed by the Directorate of Rural Affairs (DAR). The fund supposed to pay for planned communal projects, and the communities were told that they could submit projects to the DAR. The MASEN set up a series of projects according to its corporate social responsibility (CSR) policies. These included the provision of sanitary infrastructure such as a mobile hospital stationed for two days a year in the principal village of Ghessate, school buses, dormitory for girls, stables for sheep and goats, welding courses, sponsorship of local marathon, vacation for children, and allocation of funds for NGOs that support rural agricultural development, etc.

Several issues arise from the used ideology rooted in the gendered and green development discourse and poverty alleviation narrative, which include the elements of a policy labeled as anti-politics machine (Ferguson 1994):

- First, the deal was heavily based on the discourse that the area is a wasteland. The state argued that it offers a fair price for a wasteland. However, research by Ryser (2019) showed that it includes 20 plants used by local herders for fodder, specifically goats. Keeping goats is the economic domain of women. The animals are sold on local markets for relatively high prices because of special taste of their meat due to the herbs they consume. Thus, the sold land was a pasture and source of cash for women and it was also used seasonally by neighboring pastoral groups. Neither the women nor other interest groups were part of the sales arrangement.

- Second, the price of the land was fixed by the state and could not be negotiated. It was certainly not perceived as being fair because the leaders demanded a price ten times higher. Most puzzling is the fact that only the leaders of three villages signed the contract. The other two did not sign because they felt they lack knowledge of the implications of the sale.
- Third, the projects that could have been proposed by local communities and financed by the money from the payments did not materialize. The locals perceived disinterest from the DAR and MASEN regarding their involvement. This points out to local power relations with elites, among village-level and state authorities who control the funds and did not want bottom-up organization of local people. The discourse of having ideas and wanting to set up their own projects indicates the will to have local control over the funds and projects. Being unable to get involved and generate developmental ideas, which was the goal of the proceeds from the sales, led to the feeling that the funds were meant to be managed by the state department in the first place. Thus, many villagers felt that the fees offered by the officials are not accessible.
- Fourth, the project led to institutional change from a commons to state and company ownership of the land; it excluded women from direct decision-making, regardless its relatively liberal gender policies.
- Fifth, the subsequent CSR projects do not provide the promised direct benefits and are not accessible to all the people in the area.

The state's and the company's discourse of gender-sensitive development of CSR projects must be challenged as these are not participatory and disregard local views and women's wishes, but represent stereotypes and gender ideologies that influence the choice of CSR. The 38 CSR projects for the local population, including projects focusing on men and women, favor men by providing training and education needed for such jobs as welding courses available for men only. However, men will have little options to find employment as these projects generate very few jobs. Women are limited mostly to gender-biased type of support such as traditional handicraft. There is no local discussion whether women would like to be educated in this way or what form of education they want to profit from. Therefore, for rural woman, projects are focused on handicraft, which does not offer possibility to work in the project in the future. Access to medical and other educational training is not for all the people from the area, and many remain excluded. Similarly, the promised jobs in the project are few and mostly occupied by outsiders. Therefore, the benefits are not directly accessible especially to women and marginalized groups.

The state and the company's portrayal of the process as fully participatory resembles a practice named anti-politics machine (Ferguson 1994) as their high bargaining power is hidden behind compensation payments, CSR, and the green and gender-sensitive development identity. This is clearly reflected in statements, which indicate that the gains from the "new commons" do not seem to replace the loss of the old commons and lead to a loss of options for women and more marginalized groups as men and elites are the primary beneficiaries. What was stated on paper and in interviews did not materialize. The researcher was often asked by them to contact the MASEN representatives responsible for the implementation of the CSRs, so that they could tell what they need or wish for. Others asked whether there were possibilities to participate in decision-making regarding what projects to be initiated in order to offer gains as this was not clear to local people. At some point the local discourse turned from "not getting access to the funds" to "robbery by state officials" as the narrative of the money being used raised feelings of being robbed.

Therefore, women and other marginalized people, including pastoralists, lost ownership and access to land and land-related resources. This loss was not compensated for but linked to the promise of projects that did not materialize or from which they were excluded. Such policy removed the option of adapting to several environmental and economic changes in the area and being resilient regarding food and cash options. Thus, appropriations of the commons proceeded (a) without consultations of women, (b) without involving seminomadic groups from the Atlas Mountain, (c) without participation of local groups in discussions and decisions on projects, and (d) with CRS measures which are ineffective for women and minorities or exclude them because of gender and biases toward pastoral groups. Generally, the process is not perceived by local actors (with the exception of the elites) as being fair, and people now realize that they have lost the commons, presently fenced and no longer available but desperately needed to secure sustainable livelihood. Because the project involves the king, there is not much resistance. However, local actors clearly state that they perceive the project as not creating gains in the new commons, but losses of the vital old commons. While discontent is uttered in the way that Scott (1985) labeled as the "weapons of the weak," it might lead to more political action if the contrast between loss of the commons and promised gains will intensify.

Green Biofuel Investment, Development Discourses, and Bottom-Up Practices in Sierra Leone[3]

The international context of this project relates to the climate change and increase in fuel prices. Sustainable production of green energy via biofuels became an important strategy of the EU in the 2000s (Fig. 2).

Sierra Leone and the area of Makeni in the north came into the focus for the EU biofuel energy investment project because of topography, access to water (a dam upstream of the area enabled irrigation), soil conditions, and transport facilities to a nearby port. The area is sparsely populated and only used for subsistence production, and the government offered favorable conditions for foreign direct investments

[3] Data after Käser (2014), Marfurt et al. (2016), and Lustenberger (2014), presented in the project "Ethnography Land Deals," funded by the Institute of Social Anthropology and the Centre for Development and Environment (CDE), University of Bern, Switzerland.

Fig. 2 Irrigation of sugarcane fields for biofuel production, Swiss Bioenergy Project in Sierra Leone. Photo by Fabian Käser

after the 11-year devastating civil war. The Sierra Leone Investment and Export Promotion Agency was created and supported by the World Bank, IMF, WTO, and the British Government and financed by international investors such as the African Development Bank and the European Union. Under these conditions, the Geneva-based company ADDAX & ORYX Group established the ADDAX Bioenergy Sierra Leone in 2008 and conducted impact assessments until 2010. Talks with stakeholders included local chiefs as “landowners,” government officials, and NGOs. The villagers were informed about the plan by the company representatives and local authorities who used development discourses. The land was mapped, and in 2010 a memorandum of understanding (MoU) was signed by the ADDAX and the government that regulated land lease of 57,000 hectares (ha) for 50 years (with the possibility of extension for another 21 years) by the ADDAX and the Paramount Chief of the three chiefdoms of the area. According to this agreement, \$8.89 per ha per annum must be paid to different stakeholders: 50% to landowners, 20% to District Council, 20% to Chiefdom Council, and 10% to the government. In addition, the ADDAX signed individual Acknowledgment Agreements (AA) with landowners to ensure their support. The AAs added an extra annual payment of \$3.46 per ha per annum for the landowners. The company compensated the owners of crops and palm trees cultivated on the leased land with a small lump-sum payment. Activities started in 2009 with building a plant nursery and infrastructure (roads, field preparations, and irrigation systems), and in 2011 the construction of ethanol factory began. It became operational in early 2014. In addition to the payment, the Farmer Development Program (FDP) initiated a food project to mitigate negative food crop impacts. It was co-designed by the UN Food and Agriculture Organization (FAO). The FDP consists of rice fields ploughed and harrowed by the ADDAX. Farmers are meant to weed the plots, harvest the rice, and provide seeds to the ADDAX for replanting. After three years, the company planned to ask the farmers to pay a charge for technical help such as plowing, etc. Another component of the FDP is the Farmer Field and Life School where farmers are trained in "modern farming techniques" believed to improve crop yields compared to traditional shifting cultivation farming methods.

In such context, the ADDAX project became a flagship for sustainable investments in green energy. However, the research conducted in a village close to the sugarcane factory and in a village at the outskirts of the project indicates that this is another case of commons grabbing in several ways. Firstly, the consultation and compensation schemes of the land deal involved only "landowners" and chiefs of the local Temne ethnic group but did not consider groups with secondary user rights such as migrants, women, etc. Hence, it did not establish sustainable development for all, but rather exacerbated differences between local groups and the institutional change they have been exposed to since colonial times. The Temne lived in chiefdoms when they became subject to the British colonial legislation that altered land tenure systems through the introduction of indirect rule in the Protectorate. The British used the customary institutions in the region but transformed the former rulers from political and military leader into Paramount Chief responsible primarily for the collection of taxes in their chiefdoms. Historically, the groups that cleared the bush and established villages in rural areas considered themselves as firstcomers (or landowners). These firstcomers are distinguished from latecomers, also called land users or strangers. They were accepted in the community through initiation into the local secret societies and established access to land and associated resources and therewith gained legitimacy and political power in the community. Under the British Protectorate, the firstcomers became landowners, and latecomers became land users. Landowners did not have exclusive property rights, but rather acted as stewards and were morally obliged to give part of the land to land users for subsistence farming. The seasonally flooded lowlands (boliland), land-related resources such as water, veld products such as fruits from naturally grown palm trees, and forestry land were a common good of the community. A complex body of rules stipulated access to this common land and resources without overusing it. The ADDAX titled the customary land and gave land titles to the heads of landowners.

Women and latecomers, or secondary user groups, were not part of the land lease agreement and lost access to the commons, while families of the firstcomers became private landowners through the formalization of customary land tenure. The compensation fees thus went to the hands of this new elite, previously responsible only for controlling access to resources. Although land was left for local cultivation, access to the best land and to water was limited considerably, especially in dry seasons. Social anthropological research conducted in 2014–2016 indicated that development promises did not materialize as planned. In the village close to the factory, the landowners hoped to compensate the loss of land and veld products of other land users from whom they received prestige and support, by setting up a list of potential workers to be employed by the ADDAX. That would have put them in the position of redistributing gains, while at the same time profiting from the compensation and lease payments.

Several challenges surfaced during the project that contributed to its failure:

- First, the management of the ADDAX did not consider this list, but employed workers mainly from outside the area.
- Second, the best land for cultivation was lost, and for marginal households stemming from the latecomer groups, access to fruit trees such as palm fruits became extremely scarce, leading to a loss of cash income from palm oil.
- Third, access to water was lost. The loss of water as a common pool resource triggered resistance: the ADDAX had fields acquired from local landowners in wet and swampy areas, which the company irrigated and used for sugarcane plantation. This affected small-scale production by local women, who used these fields to grow vegetables for their own consumption and also for cash-generating market sales, important option at times of food and financial crisis. After the water was no longer available, the women complained and asked the ADDAX to provide water for irrigation, which the company refused and only paid for a small water pump.
- Fourth, villagers perceived serious health and environmental impacts of the agro-industry biofuel production. The company used fertilizers and different chemicals that entered the food system and local water courses and thus had negative impacts during dry seasons but especially during low water level of the main river.
- Fifth, the rice development scheme did not produce good results due to technical and coordination problems with centralized plowing system and other reasons (land disputes, new method of farming requires fertilizers and herbicides that are not affordable for the farmers, land is used too intensively because there is no more shifting cultivation practiced). Thus, no additional food was produced.

Described occurrences identify the impact on the area as commons grabbing, where losses due to development were not adequately compensated. Thus, marginalized people and women undertook the option to gain financial means via access to the commons in order to buffer environmental shocks and cash household expenditures (health, education, etc.). It has been shown that cash-generating options only partially materialized due to the ADDAX's involvement.

Such commons grabbing triggered several local reactions and strategies, which are called institution shopping. In the village close to the factory, local people—elites as well as women and other marginalized groups—made use of the secret societies (Poro society), in which people gather to discuss problematic situations. This included public rituals performances reuniting elites and latecomers by dressing in traditional cloths and wearing masks of the society. Rituals consist of blocking or marking the area of contestation, which the male secret society did because of lack of jobs. A ritual stick (*Poro*) was put at the entrance of the factory indicating that entering the factory is a taboo and thus blocking the workers in protest against the employment strategy of the ADDAX. The South African manager, who removed the stick, was later kidnapped in order to underline the demands of the Temne. Later on, the conflict was diffused by the company and administration officials, but the incident illustrates the major grievance of local people irrespective of their gender or political positions. However, the protest did not result in increased employment of local people, who then applied the "weapons of the weak" (Scott 1985) strategies such as bad talks about the company's management and stealing items important for cane production. In the second village, the women who lost access to commonly used water for irrigation of vegetable gardens have organized in a more efficient way and used a triple institution shopping strategy to buffer the commons and resilience grabbing. They put the local landowner under pressure using the traditional communal land rights institutions claiming that he has the obligation to provide access to seasonally flooded fertile boliland (common property institution). They urged him to make use of his private land title received through the formalization of land tenure to withdraw the leasehold title from the ADDAX in order to prevent establishing of a second sugarcane field on fertile land. The state thus secured private property institution. The legal support of an NGO allowed them to demand their rights by making use of international human and gender-specific rights according to national and international regulations (international human rights institutions). This triple institution shopping strategy was successful as the women were able to prevent more loss of fertile land crucial for their subsistence and further deterioration of local livelihoods (Marfurt 2019).

These two examples show a much more active type of reaction toward commons and resilience grabbing and indicate that we are dealing with a drama rather than tragedy of the grabbed commons. Interestingly, in 2015 the ADDAX has stopped its operations. The Ebola crisis was officially named as the reason, but it might have been a combination of the lack of local involvement, the weapons of the weak strategy, and the changing view of the EU about biofuels considered now not sustainable, and thus their production does not contribute to mitigation of climate-related problems (for more details, see also Marfurt et al. 2016).

Investors and Chiefs: Commons Grabbing, Gendered Development Discourse, and Coping Strategies in Ghana's Volta Region[4]

While LSLAs for agricultural purposes are not new phenomena in Ghana, the difference between the colonial and postcolonial processes is that the country's current agricultural policy receives strong support from private sector industrial agriculture,

[4] Data based on PhD research by Kristina Lanz, funded by SNIS in 2015–2016 and the Swiss National Science Foundation in the Project LSLA and Gender in Africa, Grant: 10001A_152773, see also Lanz et al. 2018.

which creates a favorable investment climate with 36 and more foreign companies in agriculture and forestry of which 90% have majority overseas shareholders (Amanor 1999; Schoneveld et al. 2011). The majority of these deals were negotiated directly by the investors with traditional or customary authorities such as chiefs who represent local people and often bypass local state authorities and local institutional setting. In this context, the chiefs and Paramount Chief, formally installed by the British colonial administration for indirect ruling, not only legitimate their position through tradition but also make use of extensive modern-day state institutions, which grant them extensive powers, as their role as land administrators and investment promoters becomes evident for state actors and international investors alike. Customary authorities are able to navigate the plural institutional setting and select the institutional designs that suit them best to increase their bargaining power in the local context (performing institution shopping).

Local actors became formally less dependent on chiefs, after the first President Nkrumah had attempted to reduce their power until the 1980s. Later on, following structural adjustment programs that demanded downsizing of the state administration and decentralization, chiefs gained more power because of their control over large tracts of land since colonial times, which is currently being strengthened by the ongoing Land Administration Project (LAP). The constitution differentiates the land surface of the state between public land (20%) and stool land (80%). Most people in Ghana thus obtain land access via chieftaincy, lineage, and kinship, based on narratives of ancestry that continuously reestablish the traditional rights of the groups related to the first settlers on the land (Lenz 2006). The chiefs, earth priests, or family heads are said to hold the allodial rights over the land, whereas all members of the group enjoy usufruct rights (Kasanga and Kotey 2001). While this resembles common property institutions in precolonial times, in which leaders and religious office holders acted as coordinators and managers of land and land-related resources, colonial interventions considerably strengthened the powers of some chiefs and other selected traditional leaders over others. In 1930, the British established native authorities, recognizing what they called "precolonial political jurisdictions" and centralizing power in paramount chieftaincies, who were said to have the "allodial title" or "ultimate title" over land, which reinforced their authority to manage and allocate land (Boni 2008) and also to collect land tributes from strangers wishing to cultivate stool land. As a result, peasants were denied full and secure rights to the land and acknowledged to have only use rights as "subjects" of their respective chief (Amanor 2008; Boni 2008; Boone 2015). Land use rights were however embedded in hierarchical descent-based groups, whereby "insider-outsider distinctions" were made particularly salient and settlers were often considered as "politically subordinate" within communities (Boone 2015) (Fig. 3).

Since the 1980s, and increasingly in the 2000s, formal institutions and clearly demarcated individual land rights are demanded by investors in order to guarantee security. In 2003, the Ministry of Lands and Natural Resources initiated the Land Administration Project (LAP) in order to coordinate control over land management, registration, and mapping as well as dispute settlement. This process is vested in

Fig. 3 Local women in a large-scale rice plantation in the Volta Region of Ghana. Photo by Divine Harrison

customary land secretariats (CLSs), headed by the respective customary authorities whereby these colonial-stemming elites gained more power and legitimized more security for investors. This actually meant a de facto privatization option for local elites in the context of rising prices for land due to new foreign investment interests.

In this context, the Ghana's Global Agri-Development Company (GADCO)—an international land-based investment in rice production—started in 2011 to invest in the Fievie Traditional Area in the South Tongu District of Ghana's Volta Region. The GADCO was a consortium of British, Nigerian, and Indian investors and received funding from various international sources such as the Acumen Fund, AATIF Fund (sponsored by KfW, Deutsche Bank), and Summit Capital. It went bankrupt in 2014 and was taken over by the Swiss company RMG Concept, which restarted operations in 2015 (still using the name GADCO).

The Fievie Traditional Area, which covers about 160 km^2, is inhabited by four clans that subsist on agriculture, fishing, and pastoralism. Before colonization, the Fievie did not have a Paramount Chief but revered their spiritual leader, the hunter Akalo—who, it is said, led them to their current location—among a number of other historically important individuals. Colonization, however, completely changed the structure of leadership in the traditional area, which is now headed by a Paramount Chief, his Stoolfather, a Paramount Queen Mother, and the four clan heads. Both the Paramount Chief and the Stoolfather are highly educated lawyers who do not reside in the local area, but in Accra, 110 km away. All land in the Fievie Traditional Area is vested in four clans and "owned" by the families making up these clans. Before the land deal, large tracts of land within the Fievie Traditional Area were used under a common property regime. A portion of this land was allocated by the elders over a century ago to pastoralists from both within and outside the traditional area. In addition, there is uncertainty regarding the ownership of a neighboring area presently occupied by another ethnic group, the Bakpa, which were resettled to the area in the 1960s due to the construction of the Akosombo Dam, which led to flooding of their home areas. The Fievie chiefs argue that they provided the land for resettlement and that the Bakpa are only "settlers" or "migrants" on their land, while the Bakpa clans are divided on the issue with some claiming that it really was Fievie's land, while others argue that it was provided by the neighboring Mafi Traditional Area. The GADCO investment is furthermore the second occasion when Fievie chiefs have provided large tracts of Bakpa-used farmland to a foreign investor. In 2009, land was leased to the Israeli jatropha company Galten, which by the time of research had abandoned its plantation. Providing land to foreign investors is a means for the Fievie chiefs to strengthen their status as "landowners" in the various land litigation cases, as well as in the face of boosted interest in their land by investors, by making use of their increased recognition by the state. Through the CLS, transaction costs for investors are reduced as negotiation partners are clearly identifiable. Furthermore, as the discussion above highlights, customary authorities are happy to use their state-backed recognition to claim sole decision-making power over all of Fievie lands, in the process of increased relative prices for the land and changing the land tenure system. The GADCO investment thus takes place in a context of ongoing contestation and transformations of the customary system, which, through LAP, is now increasingly backed up and legitimized by the state.

The GADCO was interested in the land for large-scale rice production and initially only contacted the Paramount Chief of the Fievie Traditional Area to acquire land. Neither government representatives nor family heads were included in the negotiations concerning 2000 ha of land to be leased for 50 years to the GADCO. The signed agreement, which included the establishment of an outgrower scheme on parts of the land, was labeled to be a "community-private partnership" agreement, outlining that 2.5% of the company's sales revenue would be paid to a "community development fund," which is a customary state account administered by the customary land secretariat. However, the Paramount Stoolfather felt left out of the agreement and involved the district authorities to stall the investment. As a result, he became the main negotiation partner of the GADCO, and the contract was now officially signed at the District Assembly in the presence of the chiefs, elders, and government officials. However, no Bakpa chiefs or representatives were present, even though parts of the disputed Bakpa territory were included. Similarly, many of the actual family heads, whose lands were included in the deal, were not part of the negotiations. The conflict between the Paramount Stoolfather and the Paramount Chief and their respective clans was mitigated by the GADCO. The company provided funds for a large homecoming ceremony, which celebrated the unity of the Fievie state with many references to their ancestry and tradition. At the same time, notions of development and modernity were evoked to highlight the benefits of the investment to the community. References to "tradition," as an important bonding mechanism, were thus combined with appeals to people's aspirations for "development" by chiefs eager to get their decisions legitimized by their community. The money generated by the "community-private partnership agreement" (which according to one chief amounted to approximately $50,000 per year in the first few years) was supposed to be used for community development projects.

However, for various reasons these compensations did not match the cost of loss of the land and land-related common pool resources:

- First, the enclosure of large areas of communal land restricted access to several common-pool resources vital for local livelihoods such as pasture, water, and land for traditional shifting agriculture and gardening. The sharp decrease in land available for cattle grazing has made this activity less feasible.
- Second, the destruction of several water ponds used for human and animal consumption and the spraying of pesticides (which according to various interviewees has had significant health impacts) have especially affected the cattle-rearing communities living from these communal lands.
- Third, the destruction of many man-made fishponds led to lowering the level of nutrition and to loss of cash income for women who traded fish.
- Fourth, most trees, used by local women for fuel wood and to produce charcoal for sale, were uprooted and thus led to a loss of income, especially for the poorest members of affected communities, which relied the most on charcoal sales.
- Fifth, while the two pastoral communities evoke tradition and long-standing access rights to these pastures, traditional leaders claim that these communities have no rights to the land. Similarly, the Bakpa settlers are viewed as migrants with no rights to the land and are not consulted or informed about the acquisition of their farmland. Fievie chiefs often used community meetings to mobilize people against the Bakpa.
- Sixth, there was a common feeling of being cheated, voiced especially by the youth, as most people did not know where the money paid to the chiefs went to. The GADCO did not question the use of money and described the customary authorities as "business partners," who are used as an interface between them and the local community. Of the 30 households questioned about compensation for farmland, the majority didn't receive any payments (those who did receive compensation were all related to chiefs or belonged to other important local elite groups).
- Seventh, the outgrower scheme that was established by the company to compensate local people for their losses benefitted largely the elite (nobody from the Bakpa and only one person from the affected cattle-rearing communities—a brother of one of the local chiefs—was included in the scheme).

In result, the marginalized people and women not stemming from elite families lost various ways to use the commons to generate cash, while their ability to be resilient in times of crisis were reduced as only few were part of the outgrower scheme and jobs created were mostly casual and low-paid. The possibility for women to pick rice after harvests and sell it in order to make a small income turned out to be the only access to new resources. While this income in some cases surpassed the income previously made from the sale of charcoal, it was strongly linked to the company's operations and thus put women in a dependent and vulnerable position, as exemplified by the GADCO's bankruptcy in 2015 (it was taken over by RMG Concept in 2016). In reaction to these grabbing processes, people stopped attending community meetings and started engaging government authorities. Complaints were filed with the District Chief Executives, District Directorates of Agriculture, and individual members of parliament. Sporadic violent actions took place. In 2013, the affected Bakpa and their chiefs forcefully reoccupied their fields threatening to use physical force in defense of their territories. This escalation led to an intervention by the District Chief Executives and District Security Councils from South and Central Tongu—as a result nine people were compensated (although the independent evaluation of the crop loss among Bakpa communities indicated that 26 farmers should be compensated). This led to further divisions and conflict among Bakpa communities. The only evidence of successful resistance has been by a group of cattle herders who resisted the integration of the last remaining area of grazing land into plantation. Government authorities did not reply to their letter of complaint; rather it was through intense negotiation and threats of violence and public disobedience that they persuaded the customary elite to allocate another piece of land for the expansion of the outgrower scheme. Similarly, after the conclusion of the second field study, the local youth organized themselves and demanded to be integrated into the outgrower scheme. They also demanded accountability and challenged the chiefs regarding the use of funds and that corporate social responsibility be exercised (see also Lanz et al. 2018).

The Tragedy of Christian Development: Large-Scale Rice Plantation on the Yala Swamps, Western Kenya[5]

This case study focuses on the Yala Swamp region in Western Kenya, inhabited mostly by the Luo ethnic group of about 15,000–35,000 people who use the area and its common pool resources for grazing, fishing, and dry season agriculture. The US-based Dominion Farms Ltd. established a large rice plantation on that swampy land. This investment was possible due to historical changes since colonial times. Under the British rule, the people from the region served as wage laborers and were therefore pushed toward cash economy and wage labor in distant places. On the other hand, land in Kenya has been transformed into state property, and also resource rights have been fragmented by the colonial rules. The colonial government also appointed chiefs, a political structure which the postcolonial, independent government reinforced. Authority shifted from the local people to the national

[5] Data based on MA thesis by Schubiger (2016) and von Sury (2016) and the project "Ethnography Land Deals" funded by the Institute of Social Anthropology and the Centre for Development and Environment (CDE), University of Bern, Switzerland.

government, and its agencies and common-pool resources became state property. These changes developed uncertainty on the ground of a hegemonic development discourse. The anti-colonial struggle led to independence, but also to the creation of ethnically structured elite within the new built Kenyan State. After independence, the land was divided into government land, land held in trust by the government, and privately owned land, while under the new constitution, from 2010 the division included public, community, and private land. Such legal pluralism in terms of land tenure systems relates to market-oriented, neoliberal approach to development, enabling the investment in the Yala Swamp by the Dominion Company owned by Calvin Burgess, a US businessman who started the Dominion Farms as a subsidiary of his other businesses (e.g., high security prisons in the USA). Burgess came to the Yala Swamp area in 2003 to set up a large farm. According to his statement, this engagement in setting up a large-scale rice farm was not based on commercial but religious motivations. He holds the view that the area of his investment was a useless and idle swamp to be saved by God via his activity. The land he leased was at that time a trust land, converted to public land in 2010 and managed by the parastatal Lake Basin Development Authority and by the two concerned councils of two respective counties thus involving local authorities. The contract concerned 3700 ha to be used for 25 years with the renewal option for 20 more years, while in the memorandum of understanding (MoU), 6900 ha, i.e., 3200 ha more, are mentioned. The unclear size and rights of land and its fragmentation from other land-related resources are a central feature in this investment case.

However, the research by Elisabeth Schubiger and Anna von Sury revealed that local people label the Yala Swamp as a very fertile land, full of important common pool resources for livelihood diversification such as water, fisheries, wildlife, and pasture areas. The Luo had developed common property institution based on segmentary groups, including reciprocal economic access rules and legal arrangements coordinated by local leaders and elders as agents of redistribution. The commons were used in combination with notions of private family property of land and related resources, which allowed them a flexible and seasonally adapted use of the commons. As a matter of fact, the swamp is not just purely natural, but a culturally designed landscape of multiple uses, governed through locally developed rules that allow its flexible use. Very fertile and moist land was used all year round for cultivation, and all families had small "private" plots in the land before the Dominion entered the area. Another important use of this common property was cattle grazing, which created wealth important for social and other obligations and is today very important to secure cash flow. Fisheries in the swamp and in adjacent lakes were also of central importance, as well as collection of veld products for housing constructions and other uses. While the fields were private, other common pool resources were held in common property regimes. Thus, the swamp could not be called idle, unused land. Most importantly, Schubiger and von Sury show that the swamp was currently considered as a means to generate cash in order to meet monetary subsistence needs. Thus, the Yala Swamp have to be seen as a cultural landscape, an ecosystem managed by a mixture of private and common property institutions that regulated access to its resources and created conditions for the Luo resilience.

The investor profited from the classification of the swamp as public land held in trust by the government. He addressed state officials in order to get access to the former commons, but also engaged local churches, where he argued that God brought him here in order to bring development. However, the people perceived him with doubt: "He arrived in the name of God to bring development and employment, but he hid the size of the land he wanted." Initially, Burgess addressed the grassroots level via church networks, which gave him credibility while excluding the elders and chiefs.

Politically motivated ethnicity also played an important role as some leaders blamed the Kikuyu—the largest ethnic group in Kenya—for the deprivation of the lake region regarding its economic development. Thus, Burgess used the discourse that via the Dominion Farms, development also arrives in Luo lands. However, unfulfilled promises regarding jobs and compensations produced conflicts, while complaints by the local people created a view that promises were not kept and cash options grabbed, a context that relates to the situation we call "resilience grabbing." The locally adopted view is that: "…Dominion has the biggest *shamba* (field) now."

Problems related to the Dominion investment are manifold:

- First, the Dominion Farms did not provide the promised jobs, but reduced options for cash flow and thus made livelihood of local actors more vulnerable and less resilient.
- Second, access to pasture and thus to cattle-based livelihoods and ultimately generation of cash were no longer possible at the previous level. This has also implication for agriculture as cows were used for traction and served as capital reserve in order to mitigate food and other crises.
- Third, the loss of cash and other gains might have contributed to an increase in poaching activities by local people to make money from game and trophies.
- Fourth, access to fisheries and veld products was reduced; the swamp provided a cash-generating option managed by local institutions that regulated its use in a more sustainable way.
- Fifth, food security was severely diminished. Before the investment, the people were able to have three meals a day based on fish, milk, and maize. The Dominion's activity contributed to the reduction of meals to one a day (von Sury 2016). This is puzzling as the company legitimated its investments as hunger fighting.
- Sixth, if the losses are compared with the compensations of a "communal land" given by the investor to local people, it appears to be ridiculously low (loss of 6900 ha of land which was used by 15,000–35,000 people compared to 150 acres as communal land). In addition, the rules to access land are unclear and lead to conflicts.
- Seventh, the institutions that previously regulated access to the whole swamp area are no longer in use as the Dominion, as well as the state, do not control the

use of resources, and thus this cultural landscape became an open access prone to overuse and conflicts. In addition, the Dominion investment led to the view that land can be privatized and the local elites are able to get access to it, excluding other users.

- Eighth, with these losses one would expect at least some gains from wage labor. However, only about 600 jobs were created for a population of 15,000–35,000 people who previously profited from the swamps. Only 20% of these jobs were given to the locals, mainly women. These jobs are extremely insecure, low-paid, and dangerous because of long walking distances and possible wildlife and snake encounters. Research indicated that the salaries are very low compared to the gains from pastures, cattle, fisheries, and other uses of the wetland.
- Ninth, on top of these negative impacts are ecological deteriorations as the Dominion Farms use chemicals and pesticides contaminating water and still available pasture and fisheries, fruit trees, and domestic animals.

Local people developed strategies of resistance by trying to reappropriate grazing lands not used by the Dominion. They also developed institutions to organize and coordinate access to these grazing lands in order to prevent damage to cultivated fields that are on the way to the pastures. Similarly, collective action takes place after harvest when fields become a local commons for cattle grazing. There is an interesting twist in people's discourse, however. They argue that Burgess has a *shamba* (field) that is too big and thus reduces and limits the people's use of resources. Because he does not make use of all lands, they claim that he does not use the land properly and that it is now idle land. Therefore, the investors "repertoires of domination" (Poteete and Ribot 2011) are undermined by the "weapons of the weak" (Scott 1985) approach by making use of the same idle land discourse by which the investor legitimized his investment. It thus becomes the legitimate basis for the local people to "encroach" on the Dominion's *shamba*. Other strategies are emerging such as self-help groups in which financial and other problems stemming from the investment are discussed and mitigated. Especially women get organized in order to secure food and school fees. In addition, people try to reinstate access to pastures and set up new institutions to coordinate their use.

Despite the negative impacts and all the new strategies to secure well-being, people did not want the Dominion to leave, but hope for its improvement. This is astonishing considering the heavy negative impact the company had on the area. However, having the company in the area enabled different actors on the local level to hold the investor responsible for the situation and ask for change and higher compensations. Nevertheless, in early 2018, the Dominion Farms Ltd. stopped all activities on the ground and laid off all staff without clarifying whether further farming is going to take place in the future (further information see Schubiger 2016; von Sury 2016).

A Land Grab Proper: Forestry, Plantations, and Loss of Common Pool Resources in Iringa District, Tanzania[6]

In Tanzania, large-scale land acquisitions (or alienations) began in colonial times. Like many other agrarian-developing countries, Tanzania attracts land investors from all over the world, especially since the mid-1980s, when it changed to a neoliberal political and economic system after nearly 20 years of socialism. All these changes have impacted traditional land tenure and related common pool resource management. Precolonial land tenure was organized as common property in the form of clan land and related common pool resources (Bryceson 1995; Benschop 2002). The change is illustrated with the case of the Wahehe located in Kilolo district, Iringa region in the Southern Highlands of Tanzania whose livelihood was impacted by the investment of the New Forest Company (NFC) (Fig. 4).

The NFC's plantation was installed on land that the company acquired from nine villages of the Wahehe ethnic group and immigrant farmers from Wbena ethnic groups from Njombe area. Kilolo is a very hilly district; cultivation is practiced in

Fig. 4 Looking at the lost land in Iringa District, Tanzania. Photo by Désirée Gmür

[6] Data based on PhD research by Desirée Gmür, funded by the Swiss National Science Foundation in the Project LSLA and Gender in Africa, Grant: 10001A_152773, see also Gmür 2019.

valley bottoms known as *vinyungu* (a Kihehe word for valley and/or garden) in the dry season and in uphill slope farms during the rainy season. The *vinyungus* are more productive as they are permeated by different sizes of streams and fertile soils, are not flushed out like those on the hills, and are therefore preferred for agriculture. In between, on the agricultural plots, there are often small areas of communal forest with trees producing non-timber forest products (NTFPs) such as fruits or leaves used as food, medicinal wild mushrooms, wild fruits, and wild vegetables used for food, health-related issues, and income. The Wahehe also plant different kinds of fruit trees there. Some trees are left for water conservation purposes. In the context of climatic change, people in the area are increasingly relying on such NTFPs. In addition, hunting is also done in nearby forest reserves and bushes.

For three decades the government of Tanzania has been actively seeking foreign investors to support development and economic growth. This is reflected in various laws, policies, and initiatives as well as the establishment of the National Land Bank as the main state organization aiming to facilitate land acquisition for foreign investors. Welcoming the perceived new source of foreign currency income and other benefits, the present government has declared large areas of its land as lying idle or being underused. The recent investments focus on food and forestry production and the use of former common pool resources such as water, pastures, and forests for subsistence and cash. This is done in the context of village land that is legally held as a commons (according to the Village Land Act), but this can be changed by the president if needed. Thus, in reality the land is not a commons, but state property. Such situation exists since socialist times, when two thirds of the rural population of different "ethnic" origins were mixed up and (re)settled in uniformly structured villages. The aim was to modernize agriculture and increase agricultural productivity and access to education, water, and health services for everybody. However, the government installed resource management institutions similar to those in colonial times. Common property institutional regimes to manage CPRs were "legislated out of existence" and transformed by the government to conform to socialist policies and ideologies describing these lands as state property (see Gmür 2019 for an overview).

Since 1986, economic liberalization and donor demands for participatory development have heavily influenced the tenure and management systems of land and related CPR. The post-socialist governments have maintained ownership and control of most natural resources, including land, and the resource management system is still very fragmented. A new land policy was accepted by the Parliament in 1995, and two new land laws were enacted in 1999, the Land Act and the Village Land Act (URT 1999a, b). These laws divided land into three categories: reserved (ca. 30%), village (ca. 2/3 of the land), and general land (ca. 2%).

In 2009, the New Forests Company (NFC), a UK-based South African company, established six plantations and three pole plants in Uganda, Tanzania, Rwanda, and Mozambique, and a head office in Johannesburg (NFC 2014a, b). It mixes commercial plantation forestry with protection and regeneration of indigenous tree species (ibid.) and produces wooden feed material from hardwood species of eucalyptus and pine trees for sawmills, board factories and pole treatment plants, as well as energy-producing operations. It focuses on local and regional export markets (ibid.). By early 2013, the company had acquired land from seven villages and was still looking for more in the neighboring villages. The company representatives approached new landholders in villages where they already had acquired land in an attempt to consolidate the pieces of land (see Locher and Müller-Böker 2014). Since 2010, more than 6300 ha have been taken, and since 2013, many people in the studied villages sold land, family- or individually owned, because the investor was looking for more land after a first round of acquisition in 2009 that targeted mainly village reserves. Thus, the NFC acquired granted rights of use for 99 years to land from villagers that usually had a customary right of occupancy. The acquired land is located uphill and in valley bottoms. In several cases the clan or family heads sold the land without involving the rest of the clan. While many families and/or members claimed to not use land because it is far away from their settlements and therefore has become spare or reserve land, others claimed to have used it (Gmür 2019).

There are several negative impacts that contradict the investor's claim for sustainable development:

- First, this case provides evidence of direct land grabbing: when the investor received the land, land prices increased and different people claimed rights to the same land because they wanted to sell it. There were also conflicts within families, with some members claiming the land unused in order to have an argument to sell it, while others, very often women, claimed that it is used and they don't want to sell. Brothers legitimated the sale by denying the customary rule of Wahehe and Wabena daughters having the right to inherit land from their fathers. In many cases people were just told to accept the compensation and leave their plots with the district because there is an investor coming to plant trees. They largely legitimized the acquisition by using the Land Act of 1999 and the Village Land Act of 1999, which, even though they respect customary land rights, stipulate that all land in Tanzania is public, vested in the president who has the final decisive power.
- Second, there are several cases where people were forced to leave fields (*vinyungus*) in the very fertile and often used by women valley bottoms. The investor's activity here can be identified as institution shopping. The NFC activated Article 34 of the Water Resources Management Act of 2009, which stipulates prohibition of human activities near water resources. Technically, the land still belongs to the villagers, but de facto the investor took it and did not compensate the people, following the Water Resources Act to legitimize its activity and arguing that what people are doing is illegal. Such actions were backed by the district's officials. The investor used environmental discourse to argue that the water source needs to be protected and the villagers are cutting down water-friendly trees.
- Third, the NFC paid monetary compensation for the acquired land, even though there are still some disputes. The loss of the *vinyungus* were not compensated and probably will never be. Those who sold voluntarily regret their decisions saying that they were not aware of the drawbacks of selling their land and the

extent to which they would no longer be able to access it. They also realized that the amount they received is very little and used very quickly compared to the continous income they could get through their land. The New Forests has paid an average of 100,000 Tsh/acre in compensation, which is around $45. This is very little if compare to the income women generate through the use of *vinyungus*. For example, two acres of land produce three bags of beans, which are sold at 300,000 Tsh per season.

- Fourth, people lost access to a lot of agricultural land and produce they used for subsistence and cash flow. Especially the *vinyungus* are the most productive areas where they plant beans, the cash crop that brings most income. Many people depended on these *vinyungus* to get extra income to pay school fees, buy extra food in cases of food scarcity when the harvests on subsistence plots were bad, and to buy fertilizers. Due to the loss of the *vinyungus*, food security is at risk. The LSLA also led to limitation of maize production that elevated maize price within the villages from 7000 Ths to 10,000–13,000 Ths for 18–20 kg. Another effect of this is that people started to brew beer with the remaining maize as this produces higher income than selling the pure maize or flour. With beans gone from the *vinyungus*, this is the only way to improve their income.
- Fifth, women were especially concerned about losing fruit trees such as lime trees, avocado trees, banana trees, and pear trees. Income from selling fruits is controlled by women and used to buy things for the household and the children. Fruits are also important for the children's nutrition. Loss of access to land-related common pool resources such as NTFP limited access to grasses for thatching houses.
- Sixth, false promises of job creation and CSR policies were made. When the investor approached the villages in 2006, the aims were presented as a long list of benefits, including a promise to "give better tree seedlings to villagers"; "create 10,000 jobs"; "give Tsh 300 million every year for social service" such as schools and health; "engage in the provision of education, health, water, etc."; and create infrastructure. The investor claims on its website that corporate social responsibility (CSR) is a fundamental aspect of their business model, mainly as a strategy to reduce risks because forest plantations are very vulnerable due to fire or illegal harvesting and long-term investments bring a return only after several years. The "new commons" created by the LSLA are mainly CSR or community development projects including income-generating projects and infrastructure investment, monetary compensation for the acquired land, jobs in the plantation, a planned outgrower scheme, and taxes and lease fees they pay to the district. However, access to these new commons is limited, especially for women. Furthermore, the company propagated that it will provide infrastructure, but people are disappointed as infrastructure development is slow and in lesser than expected scale, while the economic impact of the lost land is instant. Projects such as beehives produce low income, jobs in plantations are very few, on short term basis, and badly paid.

There is very little public reaction just some gossip and acts of limited civil disobedience, for example, cultivating the bottom valley land. However, there is no collective action against the investors reported from research (see Gmür 2019).

Privatizing Matrilineal Clan Commons: Creating Marginalization Through Sugarcane Outgrower Schemes in Malawi[7]

This research focused on the impact of large-scale sugarcane outgrower expansion on local communities' livelihoods and changing gender relations in the Dwangwa area of Nkhotakota District of Central Malawi. Sugarcane and tobacco plantations were established in early postcolonial times, when all lands were placed under the control of the President, indicating a shift from common to state property. This allowed the later postindependence governments to use the land previously held as a commons for cane growing, including an area of 48,750 ha along the lakeshores of Lake Malawi, which was confiscated through a series of presidential land orders in 1969 and 1975 for cane production. The remaining parts of these lands are again targeted for sugarcane under outgrower schemes. This is a clear change from common property control to state and private property regulations. Precolonial traditional institutions were based on kinship relations, making inheritance and marriage a key mechanism for access to land common to a lineage and clan. The people of the area are predominantly matrilineal Chewa, and land transfers are still based on matrilineal rules of inheritance. Men who are engaged in outgrower scheme have inherited land from their mothers, and therefore land was transmitted via matrilineal rule of inheritance as a common property of the larger matrilineage and clan.

The effects to local agrarian relations in the Dwangwa area had been less threatening as land was abundant and scarcity was not perceived as a problem, meaning that access to land was not an issue in agricultural production. More of an issue was adequate labor, which was the scarce resource and subject to slavery in precolonial times and control of the women's workforce in colonial and postcolonial times. But this was to change with the recent cane expansions, which changed relative prices of land, and thus access to land became scarce. Increase in the value of land for commercial reasons and scarcity of land and increasing population made the prices for land increase and plot sizes decrease.

In the last years, commercial agriculture and small-scale farming, coupled with increased population due to migration, led to reduction of farm sizes. In addition, traditional authorities (TAs) remained of central importance in land governance issues, in which these actors successfully combine the traditional notion of land

[7] Data based on PhD research by Timothy Adams, funded by the Swiss National Science Foundation in the Project LSLA and Gender in Africa, Grant: 10001A_152773, see also Adams et al 2018).

governance via customary laws (stemming from colonial times) with modern aspects of production under outgrower schemes. This gave the TA's room for institution shopping and facilitating outgrower schemes in the local communities. The Dwangwa Cane Growers Trust (DCGT) and Dwangwa Cane Growers Limited (DCGL), since its establishment in 1999, have assumed a facilitating role for sugarcane expansion, serving as state apparatus for implementing smallholder sugarcane projects at the local level (Adams et al.). In addition, DCGT received government and donor financial support (e.g., EU, AfDB) for expanding the outgrower scheme, in which smallholders would grow the cane and supply to the South-African-based, Associated British Foods sugar company, Illovo Sugar Limited. The smallholders do not have direct contract with the miller (Illovo), but have to bring the cane to Illovo through DCGL. In addition, the smallholders have to become members of the DCGT, which converts the smallholders' land into trust land.

This process has the following negative consequences:

- First, the land is no longer a commons of the matrilineage, but is out of their control. This can be seen as land alienation strategically planned by the DCGT that mobilizes relevant actors in customary land governance such as the TA to possess the customary land to the detriment and exclusion of many previous users of the land.
- Second, potential suitable land is identified for sugarcane cultivation. The DCGT then contacts the communities via the TAs, and if these farmers are not willing to hand in their plot for sugarcane production, the land is alienated with the argument that the TAs are the traditional owners and land must be put to development for the benefit of the entire community.
- Third, sugarcane cultivation requires some minimal technical requirement for commercial production such as irrigation, which create dependencies. Therefore, the small plots have to be pooled into larger plots. In Dwangwa, the dominant practice is that the smallholders' land is pooled into blocks of 40 ha and registered under titles held by the DCGT on behalf of the farmers (Chinsinga 2017; Adams et al. 2018).
- Fourth, long-enduring leasehold titles. According to the DCGT, though the lease agreement for the project area is 30 years, selected smallholders can only be given a license for five years, and the land is accrued to them after the first cane harvest. After the land is used, developed, and registered as trust land, it seizes to be regarded as customary land and can never be taken back. This means that the land is registered under a name and part of a block can no longer be demanded by members of the matrilineage. It is often the people selected by the TAs who are then part of the outgrower schemes, while other former commoners as well as women are left out and dispossessed.
- Fifth, concentration of providers. The Cane Supply Agreement (CSA) forces smallholders to supply their cane to Illovo as the only miller, yet Illovo does not recognize the individual farmers as contractual parties. Instead, DCGL signs the Cane Supply Agreement with Illovo, serving as a guarantor and mediator between

the DCGT farmers, i.e., Dwangwa Sugarcane Growers Association (DSGA) and the miller (Illovo). This gives Illovo indirect access to the smallholders' production without possibility for the smallholders to negotiate or hold the miller (Illovo) accountable. Furthermore, the smallholders do not have the possibility or power to discuss with the miller over the terms of the contract and, so, are placed at the receiving end of the relationship without a feedback loop. Another complexity stems from the fact that smallholders are bound in a contract in order to supply their cane to the miller. This license is valid for five years and subject to renewal upon the DCGT's approval and can terminate the licenses as it sees fit. If the contract is not renewed, the farmer hence loses his land as well. As such, outgrowers' rights to use their land are limited to the license they possess, which is conditioned to the DCGT membership.

- Sixth, conducive environment for exploitation by the miller. For instance, the contract entails a strict division of proceeds, allowing the miller to retain 40% of the total proceeds derived from the cane supplied by the outgrowers without justification on cost of milling (DCGL, Ass. General Manager, interview 23/11/2015). According to the DCGL, this 40% is "a take it or leave it" condition, and the farmers are informed with no choice but to accept it (Adams et al. 2018). Farmers reproduce the discourse of development—basically increased cash income to cope with cash expenditures (traditional and modern)—but also bring in arguments that they are better off than before and better off than their neighbors (Adams et al. 2018). In 36 outgrower households, the belief that outgrowers have money has resulted in the monetization of production relations now being measured in terms of cash, resulting in the monetization of household labor as against noncash reciprocal exchanges (ibid). Therefore, outgrowers use such redistributive obligations to justify for excluding other family members from their cash returns (ibid). However, outgrowers' decision to focus only on their immediate family leads to division and loss of trust among members in the broader family. Therefore, the outgrower scheme increases farmers dependency and potential loss of land and increased their dependence on the company and to some extent the TA.
- Seventh, increased monetization of production and exchange relations previously in the domain of reciprocal relation. The outgrowers face high cash demands within their communities, and all arrangements (material and nonmaterial), necessary for rural wealth development, suddenly become monetized as they are seen as the ones providing cash for larger groups while at the same time all social relations get monetized as well (mutual help, reciprocity rules, exchanges, etc.).
- Eighth, exclusive "private" property. In the legitimating ideology of modernity and inclusive discourse of individuality and entrepreneurial decision-making, the company introduces new labor relations (wage labor) and creates dependencies and disparities between the farmers through differentiation—a process which was buffered in the former system based on common lineage property.

Interestingly, more and more outgrower farmers seem to understand the dividing and unfair process, which takes place and discuss it as they come to an understanding of the value chain of sugarcane production that the company takes more profit than it should. This has led to intensive debates within and among the outgrowers who have now organized themselves into an organized body to fight for institutional change in the outgrower scheme and production arrangements toward more fair distribution of the gains and are addressing the company on these issues.

These struggles for institutional change could lead to better outcomes from the sugarcane and could help more people to benefit from sugarcane production beyond the few winners so far (see also Adams et al. 2018).

Discussion and Conclusion

All these cases describe LSLA's major impacts on the commons, a process called commons grabbing. The summative table below (Table 1) shows common property arrangements for land and land-related common pool resources and that leading actors were not individual private owners but had a more coordinating role to play for the governance of a common property system. These arrangements gave women and marginalized groups access to commons. The LSLA then did not change this situation immediately, but pre-LSLA changes since colonial and postcolonial times weakened the common property institutions giving more power to the elites, who were a part of the indirect rule arrangement. The neoliberal economy produces the ideology of development. This correlates with increasing prices for land and lowering bargaining power of the commoners, but increasing power of the elites who pursue the strategy of institution shopping in order to profit from the changes, first from commons via state property and then in the context of neoliberal order from state to private property. They are to be contacted and contracted by the companies. In all cases, the companies promise gender-oriented development and compensations as well as CSR. In effect, not just land but other common pool resources such as water, pastures, and fisheries, timber, and veld products were lost. These findings are analyzed within the New Institutionalism approach, which outlines historically occurring changes and fluctuations of relative prices of land and land-related resources that affect the bargaining power of local groups, the way different actors select institutions, and the way changes are legitimated ideologically and leading to distributional and strategic contexts.

However, as the model of institutional change shows, the privatization that follows the LSLA investments is not predetermined. The described situations develop in a drama rather than a tragedy of the grabbed commons as local actors react on several levels. We distinguish between the "weak weapons of the weak" strategies such as gossip in Morocco and Tanzania and more direct actions such as accessing the common lands not used by the company as act of civil disobedience (Kenya, Sierra Leone, Tanzania), or institution shopping on precolonial, state-based and international rules as users realize what they have lost (Sierra Leone with getting back access to water, also Malawi), and addressing the company and elites in meetings and court cases (Ghana) as well as violent strategies (Ghana, Sierra Leone). All

Table 1 Comparison of institutional changes, discourses, company strategies, impacts, and local responses in LSLA on land and land-related commons in Morocco, Sierra Leone, Ghana, Kenya, Tanzania, and Malawi

Case/topic	Precolonial commons arrangement	Colonial/ postcolonial transformations	Major discourses/institution shopping	General impacts on gender marginal group	Local reactions
Morocco: Solar energy investor: Parastatal and EU financed company MASEN	*Common clan land (Berber)* pastures and veld products, mobility	State property but respect of customary land	*Development of wasteland* with compensations/CSR (jobs, infrastructure, projects)/*state resource ownership* for higher purpose (King), sustainable green energy development rules, rules of compensation and pricing of land	*Commons grabbing*, low compensations not accessible, loss of access to food and cash/workload increased as loss of cash income from loss of commons, compensations only for men and access to CRS not possible or not feasible	*Weak weapons of the weak*: development wanted by King and respected, however gossip and complaints as less jobs and no access to compensations and CSR
Sierra Leone: Biofuel-sugarcane plantations by ADDAX BIOENERGY (Swiss) funded by international donors/ development agencies (banks) Project renounce in 2016	*Communal land controlled by community, family land containing CPRs by firstcomers (Temne)* access to land, water and veld products available for latecomers, through management by firstcomers	*Customary including state property* and *precolonial land and CPR management*	*Development of abundant land* with compensation scheme and CSR (jobs, infrastructure projects, improvement of traditional agriculture). Development of rural areas, compliance with international rules for sustainable biofuel with environmental and social impact assessments. Consideration of state and customary land institutions	*Commons grabbing* with low direct compensations and only for landowning firstcomers. No substitution for lost access to land, CPR, and direct cash income opportunities of latecomers. Little job generation, mainly for landowners. CSR badly adapted to local conditions. Triple workload for women	*Traditional resistance, strong weapons of the weak, collaboration with external actors.* Local opposition by some elites and latecomers (demanding jobs, using traditional secret societies, stealing of goods, pressuring firstcomers), collaboration with legal NGO. Triple institution shopping by women for land and water

(continued)

Table 1 (continued)

Case/topic	Precolonial commons arrangement	Colonial/ postcolonial transformations	Major discourses/institution shopping	General impacts on gender marginal group	Local reactions
Ghana: Rice production by GADCO (GB, Nigeria; India, taken over by Swiss) funded by international donors/ development agencies on farm, pasture, and floodplain land	*Commons controlled by firstcomers (Ewe)* with institutions via membership and rules of access to cultural landscapes	State property and indirect rule installment of chiefs/Paramount Chief as de facto private owners	*Development* of *abundant land* with compensations and CSR (jobs, infrastructure, projects)/*state territory for development based on customary land tenure* and chiefly rule, indirect rule arrangement	*Commons grabbing:* loss of access to land and CPRs (pasture, fuel wood, and fish) for food and cash, CSR and compensations unfairly distributed to chiefs)/loss of CPRs with little or no compensation means higher workload for cash, rice picking by women does not compensate	*All ranges of weapons of the weak to legal and violent actions*: from gossip, civil disobedience, court cases direct actions/rallies public meetings challenging chiefs
Kenya: Rice production by Dominion farms (USA): own capital and Christian mission orientation	Commons controlled by clan elders (*Luo*)	State property (land held in trust) and access for companies directly based on state rules of investment	*Bringing "Christian" faith and development of wasteland* (swamp wetland) with compensations and CSR (jobs, infrastructure, projects)/*state investment in land rules, development of remote area*, natural and social impact assessments	*Commons grabbing* via *loss of access to wetland* (pasture, food and cash, low compensation payments, marginal groups and women) and fish (revenues of women). Little opportunities for women badly paid and dangerous (snake bites)	Medium weapons of the weak and civil disobedience (gossip on investors fate and illegal use of the grazing and fishing grounds not used by company), new internal resource institutions

Tanzania: Forestry plantations by NFC (UK, SA)	Commons controlled by clan elders *(Wahehe)*	State property and access for companies directly based on state rules and village tenure	*Development of abundant land with compensations and CSR* (jobs, infrastructure, projects) on village level/state development rules for attracting investments, village rules, international and national assessments	*Commons grabbing* via direct and indirect loss of access to land and CPRs (water, veld products) for food and cash/grabbing and loss of most valuable land for women for farming loss of access to water, veld products for cash, eviction of women from most valuable land, sales without consulting women	*Low level of weapons of the weak* (gossip, gender-related conflicts, attempts for court cases, low level of collective actions
Malawi: Sugarcane in outgrower schemes by Illovo (UK, SA)	Commons controlled by matrilineal clans with institutions to defend resources	State property and indirect rule installment of chiefs/TAs as private owners	*Development of abundant land* with compensations and CSR via outgrowers schemes in block farming system and organization profiting TAs/state development rules based on state development rules for privatization (leases) and customary land ownership by TAs	Commons grabbing via direct loss of access to land for matriline by privatization for male elites and TAs/ women and marginal groups in the matrilineal clans as belonging to clan no longer gives access (outgrowers land in long-term lease contracts)	*Initially low levels of weapons of the weak* but *increasing awareness and collective* as understanding contracts and value chains of Illovo

the cases also show that women are denied access to the resources previously held as commons after they have been transformed into private property. Disenfranchisement of women increases their workload and decreases possibility to gain cash. In patrilineal systems, despite having lower status, women access the commons via their father's side. In Malawi the matrilineal system gives power to the women's lineage, which has been undermined during the LSLA process.

The following table summarizes the cases (Table 1).

Regarding the outcome of the drama of the grabbed commons, strategies to mitigate their adverse effects are successful if they address wider institutional and economic settings and the role of local elites. If new policies are backed by the state authority, they are not easily challenged. The case of the Temne women in Sierra Leone and outgrower farmers in Malawi indicate that these are successful strategies, while self-organization cannot be backed by institutions and alliances outside the local context. A combination of governing institutions seems to be a feasible solution.

Our comparative analysis highlights how the locally designed common property institutions for the management of common pool resources worked successfully before the new investments disabled sustainable well-being, including cash flow for local actors. Most of the actors who relied on the land-related commons have been excluded from resource use, while the promises of development, new jobs, and infrastructure were not fulfilled. Changes legitimized by international companies and elite groups as sustainable development and justified by legal claims ranging from transformed customs to state laws used by the powerful to justify their claims undermined resilience and food security for the most vulnerable actors. At the same time, women and marginalized groups do not have access to compensations, corporate social programs, and "new commons" such as funds, development schemes, etc. However, there is a potential as local actors, especially women, realize that the promise of corporate development is an anti-politics machine and that local bottom-up involvement as well as institution building is needed, in order to regain the commons. This, however, needs the backing from national and international organizations and law enforcement based on local participatory actions challenging the existing power relations (see the constitutionality approach by Haller et al. 2016, 2018).

References

Adams, T., Gerber, J.-D., & Haller, T. (2018). Who gains from contract farming? Dependencies, power relations, and institutional change. *Journal of Peasant Studies*. https://doi.org/10.1080/03066150.2018.1534100

Amanor, K.S. (1999). *Global restructuring and land rights in Ghana. Forest food chains, timber and rural livelihoods* (Research Rep. No. 108). Uppsala: Nordiska Afrikainstitutet.

Amanor, K. S. (2008). The changing face of customary land tenure. In J. M. Ubink & K. S. Amanor (Eds.), *Contesting land and custom in Ghana: State, chief and citizen* (pp. 55–81. Law, Governance and Development). Leiden: Leiden University Press.

Anseeuw, W., Boche, M., Breu, T., Giger, M., Lay, J., Messerli, P., et al. (2012). *Transnational land deals for agriculture in the global south. Analytical report based on the Land Matrix Database*. Bern/Montpellier/Hamburg: CDE/CIRAD/GIGA.

Baird, I. G. (2011). Turning land into capital, turning people into labour: Primitive accumulation and the arrival of large-scale economic land concessions in the Lao People's Democratic Republic. *New Proposals: Journal of Marxism and Interdisciplinary Inquiry, 5*(1), 10–12.

Basu, P. K. (2007). The political economy of land grab. *Economic and Political Weekly, 42*(14), 1281–1287.

Bayart, J. F. (1989). *L'État en Afrique. La politique du ventre*. Paris: Karthala.

Behrman, J., Meinzen-Dick, R., & Quisumbing, A. (2012). The gender implications of large-scale land deals. *Journal of Peasant Studies, 39*(1), 49–79. University of Agriculture.

Benschop, M. (2002). *Rights and reality: Are women's equal rights to land, housing and property implemented in East Africa?* Nairobi: Un-Habitat.

Biersack, A. (1999). Introduction: From the "new ecology" to the new ecologies. *American Anthropologist, 101*(1), 5–18.

Blaikie, P. (2006). Is small really beautiful? Community-based natural resource management in Malawi and Botswana. *World Development, 34*(11), 1942–1957.

Blaikie, P. M., & Brookfield, H. (1987). *Land degradation and society*. London: Methuen.

Boni, S. (2008). Traditional ambiguities and authoritarian interpretations in Sefwi land disputes. In J. M. Ubink & K. S. Amanor (Eds.), *Contesting land and custom in Ghana: State, chief and citizen* (pp. 81–112. Law, Governance and Development). Leiden: Leiden University Press.

Boone, C. (2015). Land tenure regimes and state structure in rural Africa: Implications for forms of resistance against large-scale land acquisitions by outsiders. *Journal of Contemporary African Studies, 33*(2), 171–190.

Borras, M. S., McMichael, P., & Scoones, I. (2010). The politics of biofuels, land and agrarian change: Editors' introduction. *Journal of Peasant Studies, 37*(4), 575–592.

Borras Jr., S. M., Franco, J. C., & Wang, C. (2013). The challenge of global governance of land grabbing: Changing international agricultural context and competing political views and strategies. *Globalizations, 10*(1), 161–179.

Boserup, E. (1970). *Women's role in economic development*. London: St. Martin's Press.

Brown, T. (2005). Contestation, confusion and corruption: Market-based land reform in Zambia. In *Competing jurisdictions: Settling land claims in Africa* (pp. 79–102). Leiden: Brill.

Bryceson, D. F. (1995). *Women wielding the hoe: Lessons from rural Africa for feminist theory and development practice*. Oxford: Berg Publisher Ltd.

Cagatay, N., & Ozler, S. (1995). Feminization of the labour force: The effects of long-term development and structural adjustment. *World Development, 23*(11), 1883–1894.

Chanock, M. (1991). Paradigms, policies and property: A review of the customary law of land tenure. In K. Mann & R. Roberts (Eds.), *Law in colonial Africa* (pp. 61–84). Portsmouth: Heinemann.

Chanock, M. (2005). Customary law, sustainable development and the failing state. In P. Oerebech, F. Bosselman, J. Bjarup, D. Callies, & M. Chanock (Eds.), *The role of customary law in sustainable development* (pp. 338–383). Cambridge: Cambridge University Press.

Chinsinga, B. (2017). The green belt initiative, politics and sugar production in Malawi. *Journal of Southern African Studies, 43*(3), 501–515.

Cotula, L. (2009). *Land grab or development opportunity? Agricultural investment and international land deals in Africa*. London/Rome: IIED/FAO/IFAD.

Coulter, J., Goodland, A., Tallontire, A., & Stringfellow, R. (2009). *Marrying farmer cooperation and contract farming for service provision in a liberalising sub-Saharan Africa*. London: Overseas Development Institute.

De Schutter, O. (2011). How not to think of land grabbing: Three critiques of large scale investments in farmland. *Journal of Peasant Studies, 38*(2), 249–280.

Deininger, K. (2011). Challenges posed by the new wave of farmland investment. *The Journal of Peasant Studies, 38*(2), 217–247.

Dolan, C. (2001). The 'good wife': Struggles over resources in the Kenyan horticultural sector. *Journal of Development Studies, 37*(3), 39–70.

Elwert, G. (1980). Überleben in Krisen, kapitalistische Entwicklung und traditionelle Solidarität. Zur Ökonomie und Sozialstruktur eines westafrikanischen Bauerndorfes. *Zeitschrift für Soziologie, 9*(4), 343–365.

Ensminger, J. (1992). *Making a market. The institutional transformation of an African society*. Cambridge: Cambridge University Press.

Ferguson, J. (1994). *The anti-politics machine. "Development" and bureaucratic power in Lesotho*. Minneapolis, MN: University of Minnesota Press.

Frank, A. G. (1975). *On capitalist underdevelopment*. Bombay: Oxford University Press.

Franco, J. (2016). *Reclaiming Free Prior and Informed Consent (FPIC) in the context of global land grabs*. Transnational Institute.

Geiger, M., Nolte, K., & Haller, T. (2019). Using evidence from the Land Matrix and other data repositories to investigate impacts of large-scale land investments on common pool resources. In T. Haller, T. Breu, T. de Moot, C. Rohr, & H. Znoj (Eds.), *The commons in a 'glocal' world: Global connections and local responses*. London: Routledge.

Glover, J. D. (1987). Increasing the benefits to smallholders from contract farming: Problems for farmers' organizations and policy makers. *World Development, 15*(2), 441–448.

Gmür, D. (2019). Grabbing the female commons: Large-scale land acquisitions for forest plantations and impacts on gender-relations in Kilolo District, Iringa Region, Tanzania. In T. Haller, T. De Moor, C. Rohr, & H. P. Znoj (Eds.), *The commons in a glocal world: Global connections and local responses* (pp. 301–317). London: Routledge. (in Press).

Hall, R. (2011). Land grabbing in Southern Africa: The many faces of the investor rush. *Review of African Political Economy, 38*(128), 193–214.

Haller, T. (Ed.). (2010). *Disputing the floodplains*. Leiden: Brill.

Haller, T. (2013). *The contested floodplain*. Lanham: Lexington.

Haller, T. (2016). Managing the commons with floods: The role of institutions and power relations for water governance and food resilience in African floodplains. In T. Ostegard (Ed.), *Water and Food – Africa in a Global Context* (pp. 369–397). Uppsala: The Nordic African Institute. I.B. Tauris.

Haller, T., & Merten, S. (2008). "We are Zambians – don't tell us how to fish!" institutional change, power relations and conflicts in the Kafue flats fisheries in Zambia. *Human Ecology, 36*(5), 699–715.

Haller, T., John, M., Bloenchlinger, A., Marthaler, E., & Ziegler, S. (Eds.). (2007). *Fossil fuels, oil companies, and indigenous peoples: Strategies of multinational oil companies, states, and ethnic minorities: Impact on environment, livelihoods, and cultural change* (Vol. 1). Münster: LIT Verlag.

Haller, T., Fokou, G., Mbeyale, G., & Meroka, P. (2013). How fit turns into misfit and back: Institutional transformations of pastoral commons in African floodplains. *Ecology and Society, 18*(1), 34. https://doi.org/10.5751/ES-05510-180134

Haller, T., Acciaioli, G., & Rist, S. (2016). Constitutionality: Conditions for crafting local ownership of institution-building processes. *Society & Natural Resources, 29*(1), 68–87.

Haller, T., Belsky, J. M., & Rist, S. (2018). The constitutionality approach: Conditions, opportunities, and challenges for bottom-up institution building. *Human Ecology, 46*(1), 1–2.

Jones, G. A., & Chant, S. (2009). Globalising initiatives for gender equality and poverty reduction: Exploring 'failure' with reference to education and work among urban youth in The Gambia and Ghana. *Geoforum, 40*(2), 184–196.

Kasanga, R. K., & Kotey, N. A. (2001). *Land management in Ghana: Building on tradition and modernity*. London: Eldis. http://www.eldis.org/document/A26335

Käser, F. (2014). Ethnography of a land-deal. A village perspective on the Addax Bioenergy project. MA-thesis. Institute of Social Anthropology, University Bern: Switzerland.

Lanz, K., Gerber, J. D., & Haller, T. (2018). Land Grabbing, the State and Chiefs: The Politics of Extending Commercial Agriculture in Ghana. *Development and Change, 49*(6), 1526–1552.

Lenz, K. (2006). First-comers and late comers: Indigenous theories of land ownership in the West Afrcan savanna. In R. Kuba & K. Lenz (Eds.), *Land and the politics of belonging* (pp. 34–57). Leiden: Brill.

Locher, M., & Müller-Böker, U. (2014). "Investors are good, if they follow the rules"–power relations and local perceptions in the case of two European forestry companies in Tanzania. *Geographica Helvetica, 69*(4), 249–258.

Lustenberger, S. (2014). Addax Bioenergy Sierra Leone: Analysis of the implementation process of a large scale land acquisition project from the perspective of assemblage theory. MA-thesis at the Institute of Geography, University of Bern: Switzerland.

Marfurt, F., Käser, F., & Lustenberger, S. (2016). Local perceptions and vertical perspectives of a large scale land acquisition project in Northern Sierra Leone. *Homo Oeconomicus, 33*(3), 1–19.

Marfurt, F. (2019). Gendered impacts and coping strategies in the case of a swiss bioenergy project in Sierra Leone. In T. Haller, T. De Moor, C. Rohr, & H. P. Znoj (Eds.), *The commons in a glocal world: Global connections and local responses* (pp. 318–335). London: Routledge.

Meillassoux, C. (1981). *Maiden meals and money*. Cambridge: Cambridge University Press.

Molyneux, M. (1979). Beyond the domestic labour debate. *New Left Review, 116*(3), 27.

Narotzki, S. (1997). *New directions in economic anthropology*. London: Pluto Press.

New Forests Company (NFC) (2014a). *Website*. http://www.newforests.net/ (accessed 10.10.2014).

New Forests Company (NFC) (2014b): *Sustainability Report FY 14*. http://www.newforests.net/wpcontent/uploads/pdf_docs/New%20Forests%20Co%20Sustainability%20Report_FY2014.pdf. (accessed 10.01.2015).

Niederberger, T., Haller, T., Gambon, H., Kobi, M., & Wenk, I. (2016). *The open cut: Mining, transnational corporations and local populations* (Vol. 2). Münster: Lit Verlag.

Orloff, A. S. (2002). Explaining US welfare reform: Power, gender, race and the US policy legacy. *Critical Social Policy, 22*(1), 96–118.

Ostrom, E. (1990). *Governing the commons. The evolution of institutions for collective action*. Cambridge: Cambridge University Press.

Ostrom, E. (2005). *Understanding institutional diversity*. Princeton, NJ: Princeton University Press.

Peters, P. S. (2009). Challenges in land tenure and land reform in Africa: Anthropological contributions. *World Development, 37*(8), 1317–1325.

Peters, P. E. (2013). Land appropriation, surplus people and a battle over visions of agrarian futures in Africa. *Journal of Peasant Studies, 40*(3), 537–562.

Porter, G., & Phillips-Howard, K. (1997). Comparing contracts: An evaluation of contract farming schemes in Africa. *World Development, 25*(2), 227–238.

Poteete, A. R., & Ribot, J. C. (2011). Repertoires of domination: Decentralization as process in Botswana and Senegal. *World Development, 39*(3), 439–449.

Razavi, S. (2007). *The political and social economy of care in a development context. Conceptual issues, research questions and policy options*. Geneva: UNRISD.

Rocheleau, D. (1996). *Feminist political ecology. Global issues and local experience*. London: Routledge.

Rocheleau, D. (2001). Complex communities and relational webs uncertainty, surprise and transformation in Machakos. *IDS Bulletin, 32*(4), 78–87.

Ryser, S. (2019). Are green energy investments levelled by the ‘new commons’? Compensations, CSR measures and gendered impacts of a solar energy project in Morocco. In T. Haller, T. De Moor, C. Rohr, & H. P. Znoj (Eds.), *The commons in a glocal world: Global connections and local responses* (pp. 352–376). London: Routledge. (in Press).

Schoneveld, G., German, L., & Nutakor, E. (2011). Land-based investments for rural development? A grounded analysis of the local impacts of biofuel feedstock plantations in Ghana. *Ecology and Society, 16*(4), 10.

Schubiger, E. (2016). As much as the frog croaks, the cow still drinks the water: Ethnography of a large-scale land acquisition in West Kenya. MA-thesis. Institute of Social Anthropology, University Bern: Switzerland.

Scott, J. C. (1985). *Weapons of the weak: Everyday forms of peasant resistance*. New Haven, CT: Yale University Press.

Stocks, A. (2005). Too much for too few: Problems of indigenous land rights in Latin America. *Annual Review of Anthropology, 34*, 85–104.

Toulmin, C. (2008). Securing land and property rights in sub-Saharan Africa: The role of local institutions. *Land Use Policy, 26*, 10–19.

URT [United Republic of Tanzania]. (1999a). The land act no. 4. Dar es Salaam: Government Printers.

URT [United Republic of Tanzania]. (1999b). The village land act no. 5. Dar es Salaam: Government Printers.

Veuthy, S., & Gerber, J. F. (2011). Possession versus property in a tree plantation. Socioenvironmental conflict in Southern Cameroon. *Society and Natural Resources, 24*, 831–848.

Von Benda-Beckmann, K. (1981). Forum shopping and shopping forums: Dispute processing in a Minangkabau village in West Sumatra. *The Journal of Legal Pluralism and Unofficial Law, 13*(19), 117–159.

Von Sury, A. (2016). Ethnography of land deals: 'Dominion has the biggest shamba now': Local perceptions of the Dominion farms project in Western Kenya. MA-thesis. Institute of Social Anthropology, University Bern: Switzerland.

Wallerstein, I. (1979). *The capitalist world-economy* (Vol. 2). Cambridge: Cambridge University Press.

Weiner, A. (1976). *Women of value, men of renown: New perspectives in Trobriand exchange*. Austin, TX: University of Texas Press.

White, J., & White, B. (2012). Gendered experiences of dispossession: Oil palm expansion in a Dayak Hibun community in West Kalimantan. *The Journal of Peasant Studies, 39*, 995–1016.

Wilk, R., & Cliggett, L. (2007). *Economies and cultures. Foundations of economic anthropology*. Cambridge: Westview Press.

Wolf, E. R. (1983). *Europe and the people without history*. Berkeley, CA: University of California Press.

Zoomers, A. (2011). Introduction: Rushing for land: Equitable and sustainable development in Africa, Asia and Latin America. *Development, 54*(1), 12–20.