



**Essential Readings in Environmental Law**  
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**LAND GRABBING IN THE THIRD WORLD**

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**OVERVIEW OF KEY SCHOLARSHIPS**

1. Allan, J. A., *Handbook of Land and Water Grabs in Africa: Foreign Direct Investment and Food and Water Security* (Abingdon and New York: Routledge, 2012).
2. Broughton, A., “Land grabbing: a new Colonialism” (2013) 61 *Synthesis/Regeneration*.
3. Cotula, L. *et al.*, *Land grab or development opportunity? Agricultural investment and international land deals in Africa* (London and Rome: FAO/IIED/IFAD, 2009).
4. De Schutter, O., “How not to think of land-grabbing: three critiques of large-scale investments in farmland” (2011) 38:2 *Journal of Peasant Studies* 249-279.
5. Fairhead, J., *et al.*, “Green Grabbing: a new appropriation of nature?” (2012) 39:2 *The Journal of Peasant Studies*.
6. GRAIN, *The great food robbery: how corporations control food, grab land and destroy the climate* (Barcelona: GRAIN, 2012).
7. Margulis, E. M., *et al.*, “Land Grabbing and Global Governance: Critical Perspectives” (2013) 10:1 *Globalizations* 1-23.
8. Mckee, N., “One Does Not Sell the Land Upon Which the People Walk’: Land Grabbing, Transnational Rural Social Movements, and Global Governance” (2013) 10:1 *Globalizations* 105-122.
9. Nguiffor, S., and B. Schwartz, *Herakles’ 13th Labour?: A Study of SGSOC’s Land Concession in South-West Cameroon* (Yaoundé: CED, 2012).
10. Ojeda, D., “Green pretexts: Ecotourism, neoliberal conservation and land grabbing in Tayrona National Natural Park, Colombia” (2012) 39:2 *The Journal of Peasant Studies* 357-375.
11. Oxfam, “Our Land, Our Lives’ Time out on the global land rush” (2012). Online: <http://policy-practice.oxfam.org.uk/publications/our-land-our-lives-time-out-on-the-global-land-rush-24673>.
12. Rolf K., and S. Monsalve Suárez, “International Human Rights and Governing Land Grabbing: A View from Global Civil Society” (2013) 10:1 *Globalizations* 123-139.

13. Benjaminsen, T.A. and I. Bryceson, "Conservation, green/blue grabbing and accumulation by dispossession in Tanzania" (2012) 39:2 The Journal of Peasant Studies 335-355.

### **Background**

Over the past few years, large-scale investments in farm land in Africa, Latin America and Asia have garnered global attention. This may be attributed to the significance of land and natural resources to humans and livelihoods, besides food security. Large-scale investments in farm lands by foreign investors, currently referred to as land grabbing, is the consequence of the coming together of global crises: financial, climate change, food price, fuel price and economic downturn. As the following essential readings illustrate, contemporary land grabbing constitutes an amplification of an historic risk (dating back to colonial and post-independence periods) to: local and indigenous livelihoods (distributive justice); procedural justice and to sustainable development.

These readings reveal that land grabbing is associated with deforestation, high chemical intake, soil and ground water contamination, as well as the appropriation of land, including water, energy, forest resources, among others. Land grabbing has bloomed in recent years because of shifts in the ways international institutions, actors and rules tend to frame global discourses, and how natural resources are valued: there would not have been such global rush for farm land in developing countries if not for a global construction and perpetration of a sense of global economic and environmental crises.

This selected list of readings remind readers of the fact that, notwithstanding the sustainability rhetoric and the economic development discourse, foreign direct investment (FDI) in farm land severely compromises the environment and livelihoods of current and future Third World peoples.

1. **J. Allan's *Handbook of land and water grabs in Africa foreign direct investment and food and water security*** is the most comprehensive publication to date on the phenomenon of land grabbing in Africa. It seeks to provide a comprehensive overview of large-scale land acquisition with an emphasis on the history, current developments, investors and implications for livelihoods and communities in Africa. With contributions from 32 authors, the handbook is partitioned into five sections focusing on: the history of land grabs and the contradictions of development; investors' profiles and current investment trends; the political economy of land and water grabs; environment; and livelihoods. The report submits that FDI-induced alterations in land will modify water fluxes which, in turn, will have significant effects on ecosystem services and on people's welfare and livelihoods. For the rising food demand in sub-Saharan Africa to be met (argues the authors), water-centric investments must go 'beyond the current focus on irrigation, high-input and highly mechanized agriculture in the most productive areas, and also encompass much more strongly green water solutions in low-productivity,

smallholder farming areas that need investment most and that support majority of the rural population'. Because of the diversity and uncertainty characterizing aquatic ecosystems, the report emphasizes the need to characterize the hydrological environments prior to assuming the existence of adequate ground water resources to put up with irrigation projects. I recommend this book to those interested in examining land grabbing around the issues of water grabbing and land use change in sub-Saharan Africa.

2. **A. Broughton's *Land grabbing: a new Colonialism*** highlights three significant reasons for land grabbing in developing countries : to ensure food security in the home state of the investor; for biofuel production (motivated by the adoption of binding biofuel targets in OECD countries for their national energy supplies); and high returns from short-term or long-term profit (investment banks and other fund managers see investment in currency or gold as more risky than short and long-term investments on land). **A. Broughton** presents an interesting mix of case studies, exposing the reader to an extensive conversation of the implications of land grabbing for the environment and vulnerable communities. The case studies include: Saudi Arabian's Forax International Investments to produce 7 million tons of rice on 700.000 hectares of land in Senegal and Mali for export back to the investor state; United States' AgriSol Energy investment to produce beef feedlots and other monoculture crops on 800.000 hectares of land in Tanzania; China's Beidahuang investment to implement irrigation farming on 23.000 hectares in addition to a further 234.000 hectares for soy production in Argentina for export to investor state; United States' Corporation Farm Lands of Guinea to produce corn and soybean on 100.000 hectares of farm land in Guinea for export abroad; an 80.000 hectares of farm land acquired in the Republic of Congo by a South African group; Malaysia's Atama Plantations to produce palm oil on 470.000 hectares of land in the Congo. In terms of the benefits associated with these cases studies, the investments deals exempt investors from taxes, allow investors free use of the port, and in the Tanzanian case study, the land deal requires the Tanzanian government to amend its domestic law to authorize genetically modified crops in Tanzania. Regarding adverse effects, these investments are associated with large amounts of chemicals and water use, as well as the eviction of thousands of local peoples from lands that they have lived on and established their homes, churches and fields for decades. Those interested in tackling land grabbing around the issues of environmental justice should consider reading this article.
3. The report by **L. Cotula et al.**, entitled ***Land grab or development opportunity? Agricultural investment and international land deals in Africa***, is an outcome of a collaboration between IIED, FAO and IFAD. The book stands out as it offers intriguing examples of land grabbing in sub-Saharan Africa ((Ethiopia, Ghana, Madagascar, Mali, Sudan Mozambique and Tanzania). It discusses key trends and motivators of FDI in

farmlands, the contractual arrangements supporting such investments and their effects on land and natural resources access for local and indigenous people in host countries. According to the authors, about 2,492,684 ha of approved land allocations (registered since 2004) have been motivated by the food price hikes of 2007 and 2008, investment opportunities and policy measures in host states, other non-agricultural supplies and sustainability concerns. The report acknowledges that such investments may result in GDP growth, improve government revenues and create opportunities for economic development and livelihood improvement in rural areas. It however adds that such investments may lead to displacement of local communities and loss of access to natural resources on which local livelihoods depend for their security. The report provides recommendations for policy and practice for host governments, civil society and international development agencies. For instance, the need for investors to create options for maximizing security for investment and sustainable development gains, the need for host governments to place sustainable development at the center of investment decision-making, the need for global civil society to create options for maximizing net benefits from land investments, and the need for international development agencies to engage with these other actors to catalyze positive change. Scholars who would like to explore land grabbing from the perspective of the role of state and non-state actors may want to consider reading it.

4. **O. De Schutter's *How not to think of land-grabbing: three critiques of large-scale investments in farmland*** aims to evaluate the huge opportunity costs of FDI in farmlands. The author sees such investments as having the potential to: promote a type of farming with limited powerful poverty-reducing impacts, compared to improving access to land and other natural resources for the local farmers; stir agriculture towards cash crops for foreign markets and consequently increase the price of food stuff in host states; enhance development of a market for land rights with likely adverse effects on local community members, especially groups that depend on common pool resources such as grazing and fishing grounds, and forests. After mapping these various levels of critiques against land grabbing, the author contends that the current voluntary approaches to regulating land grabbing such as the *Principles of Responsible Agricultural Investment*, are bound to fail. He grounds his argument on the fact that host governments and investors tend to neglect the essential dimension of accountability by shielding the land deals from public scrutiny. He, therefore, recommends that host governments should comply fully with their human right obligations that guarantee the right to food and the right of all peoples to freely dispose of their natural wealth and resources as well as the right to not be deprived of their means of subsistence. This is a compelling piece of writing that should be read by those interested in tackling land grabbing from a rights-based approach.

5. The article by **J. Fairhead et al.**, entitled *Green Grabbing: a new appropriation of nature?*, links critical studies of nature with critical agrarian studies. It draws new theorisation together with African, Asian and Latin American case studies, and questions the implications of ‘green grabs’ (a phenomenon where large tracts of land including natural resources are acquired to alleviate pressure on the environment). Whether driven by food security or environmental agendas, the authors argue that land grabbing comprises the ‘wholesale alienation of land’ and the ‘restructuring of rules and authority in the access, use and management of resources that may have profoundly alienating effects’. To address the adverse implications of ‘green grabbing’ the authors recommend that agrarian struggles that focused on land and resources be seen in a new light: a more meaningful form of public involvement involving conditions of transparency, accountability and free, prior informed consent be central to demands for justice in green market arrangements. This article will certainly appeal to scholars interested in the politics of ‘green’ grabs in the Third World, especially globalization, agrarian political economy and political ecology scholars.
  
6. *The great food robbery: how corporations control food, grab land and destroy the climate* is a book by **GRAIN**. It highlights how, in a world with more than enough food, billions of people suffer from hunger on a daily basis. Largely, the book is well organized and brings together **GRAIN**’s previous articles on land grabbing under headings of agribusinesses, food and the climate crisis, and land grabbing and the future of agriculture. It is an important book to read by those interested in understanding how corporations have been organizing and damaging the global food system. The book looks at the major actors, rules, practices and institutions stirring global land grabbing and food insecurity in poor communities and countries. It sheds light on the ways in which corporations regulate global food production and how this has, in turn, destroyed local culture, grabbed subsistence farm land, evicted local communities from their natural resources, depleted biodiversity, promoted global environmental problems and discouraged food sovereignty. According to **GRAIN**, ‘Food sovereignty is the right of peoples, countries, and state unions to define their agricultural and food policy without the dumping of agricultural commodities into foreign countries.’ The overarching objective of **GRAIN** is to offer recommendations to challenge corporate control over the global food system and to transfer the food system from foreign investors to local communities and subsistence farmers. Overall, the language is accessible and the book tackles issues relating to global food governance, food sovereignty and agrarian political economy.
  
7. *Herakles’13th Labour?: A Study of SGSOC’s Land Concession in South-West Cameroon* is an endeavor by **S. Nguiffor** and **B. Schwartz**. In the context of the US-owned Herakles Farms investment in Cameroon, the report highlights some of the

implications of implementing industrial palm oil plantations for local livelihoods and biodiversity hot-spots. The analysis reveals that the Herakles Farms investment has promoted food insecurity in local and indigenous communities in Cameroon, as subsistence farmers and vulnerable communities have been driven off their farm land and prevented from accessing and controlling timber and non-timber products within the company's concession. This is in addition to the implementation of three palm oil nurseries, without a development authorization, in part of Cameroon's segment of the Congo Basin rainforest which is home to endangered plant and animal species.

The article has undoubtedly viewed industrial palm oil investments as unsustainable developments. The fact that the authors highlight the other side of the picture by recognizing that palm oil developments could be sustainable if a moratorium on corporate agricultural concessions is adopted by the Cameroon Government, pending the development of a new 'approach to granting land concessions for agro-industry, is the article's major strength. Such a strategy, the authors submit, should take into account existing land rights and the new *Law to Lay Down Guidelines for Territorial Planning and Sustainable Development*. To the authors, such an approach: will confer benefits to all concerned actors and prevent conflicts between customary land rights on the one hand and land rights granted to logging concessions, mining permits, oil blocks, natural gas projects, and agro-industrial plantations on the other hand; 'reassures scared investors of the legality of their land concessions and prevent the eventual annulment of certain contracts due to the non-respect of legal procedures at time of attribution'; will provide vital information to the public as regards the way large agro-industrial investments fit into the broader development strategy of Cameroon. I would encourage those looking at Cameroon, and how FDI in farm land has marginalized and impoverished vulnerable communities (by denying them natural resource access and by destroying their environment and rainforests) to add this article in their reading list.

8. **M. Margulis et al.'s *Land Grabbing and Global Governance: Critical Perspectives*** offers initial analyses of land grabbing from a globalization perspective. Although these authors view land grabbing as a rebirth of the colonial exploitation of Third World peoples and their environment, they, however, argue that the character, scale, pace, orientation and key drivers of contemporary land grabbing are distinct. The article reveals that current land grabbing is 'closely tied to major shifts in power and production in the global political economy' and enabled by ever greater transboundary flows of capital, goods, and ideas occurring through 'axes of power that are far more polycentric than the North-South imperialist tradition.' It further contends that these shifts in power and production are promoted by or through liberalized international investment, international finance and international trade regimes, in addition to sustainability regimes. The report regards these regimes as the architecture of advanced neoliberal globalization. According

to the report, the new *UN Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests* that articulates this global/local nexus is amongst the most concrete institution for regulating land grabbing. The report, nevertheless, critiques such 'soft' law instrument for being unable to capture the full spectrum and diversity of actors, institutions and practices that are relevant to regulating land grabbing. The article is therefore an effort to bring land grabbing to the attention of those interested in globalization and transnational governance.

9. **N. Mckean's *One Does Not Sell the Land Upon Which the People Walk': Land Grabbing, Transnational Rural Social Movements, and Global Governance*** evaluates the ways in which rural social movements and civil society organizations (CSOs) have built up their aptitudes as global mobilizers and policy actors over the past ten years. The essay assesses the success with which such global actors have exploited contemporary window of political opportunity generated by global food insecurity, energy insecurity and global climate change that are motivating the phenomenon of land grabbing. The author regards the *Voluntary Guidelines on the Responsible Governance of Land, Fisheries and Forests* and the Committee on World Food Security as the lone global policy forum in the UN system in which rural social movements and CSOs may intervene as full participants. Further to this, the article emphasizes the need for alliance building between local movements and global policy spaces through the *Dakar Declaration and the Global Alliance against Land Grabbing*. To the author, these initiatives place rural peoples' organizations in the lead and set out a basic platform that all adherents are expected to respect. The author argues that achieving alliance building would require the rural movements to efficiently take the initiative to get the alliance up and running. Moreover, 'externalization' of domestic claims, the author argues, is a major strategy via which global engagement can incontestably support local struggles. This is a particularly vital piece of writing that must be read by scholars thinking of addressing issues of FDI in farmlands from a global governance perspective.
10. In *International Human Rights and Governing Land Grabbing: A View from Global Civil Society* **R. Kunnemann** and **S. Monsalve Suarez** highlight the inadequacy of current global responses, and mechanisms, to address land grabbing. The article makes a connection between current institutional and legal frameworks regulating FDI on land and the legal framework in force in the colonial era. It then argues that such inherited rules and practices have endowed nation-states, rather than individuals and local communities, with unlimited authority and power over land. The report sees such hereditary legal ideas and practices as obstacles to 'implementing effective redistributive measures in the Global South'. Therefore, the establishment of a human right to land under international law, the author contends, would constitute an invaluable tool to minimize land grabbing and promote global social justice. Hence, the article's major

recommendation is that: promoting and implementing a human right approach to land problems is vital to addressing the governance gap in contemporary global governance system. To overcome some of the weaknesses in a human right approach to land grabbing, the authors specifically recommends the *Maastricht Principles on Extraterritorial Obligations of States*. These ‘are a range of norms that all states have to comply with in different policy fields, at different levels of operation (domestic, abroad, and when acting in international organizations) in order to ensure the realization of the right to land.’

11. In *Green pretexts: Ecotourism, neoliberal conservation and land grabbing in Tayrona National Natural Park, Colombia* **D. Ojeda** points to a case of tourism promotion in Tayrona National Park and related ecosystems. The essay provides a brief historical description of tourism and war in Tayrona. It emphasizes the ‘touristification’ process that has occurred within the last ten years as the tourism industry became an essential site of the ‘production of natures, spaces and subjects.’ The author notes that the privatization of planned areas of the Tayrona National Park was brought about by a form of neoliberal conservation (the ‘concession of tourist services to Aviatur—a travel company). Among other objectives, the article analyses: the effects of such conservation mechanism on the communities depending on the services of the Park for their livelihoods; and the relationship between the ‘shifting resource politics’ and ‘the politics of difference’ within the area. Specifically, the author evaluates the implications of this large-scale investment for the livelihood strategies of peasants, fishermen and tourist service providers within the project impact area. The analysis shows how the implementation of ‘tourism-based neoliberal conservation initiatives’ within this Park has encouraged the restructuring of rules over local access, use and control of natural resource. It further reveals that, despite the justice implications of such initiatives, some community members within the protected area have been marginalized, dispossessed of their resources, and described as ‘eco-threats’, ‘invaders and illegal occupants’. Generally, this intuitive article addresses issues relating to Colombia. It will definitely be attractive to readers with an interest in environmental conservation politics and local governance.
12. Contrary to what governments and investors have described as marginal lands, **Oxfam**’s *Our Land, Our Lives: Time out on the global land rush* reports that the majority of industrial agricultural investments are executed on valuable farmland, predominantly irrigated lands and lands with market accessibility. The publication highlights that “land eight times the size of the UK was sold off globally in the last decade, enough to grow food for a billion people, equivalent to the number of people who go hungry in the world each night”. Because of the World Bank’s influence on both states and non-state actors, **Oxfam** recommends that the World Bank, other development organizations and influential actors should take measures to minimize environmental injustice in

communities hosting large-scale investments. **Oxfam** believes that any act to ensure that World Bank-sponsored investments benefit host communities will encourage other governments and investors to follow suit. To **Oxfam**, instituting a temporary freeze on all World Bank-sponsored investments will create a space for the development of policies and institutional safeguards to minimize distributive injustice in communities in project impact areas. Such safeguards would ‘include: local communities to be informed about and be able to give or refuse consent to a project, and be compensated for any loss of land or livelihoods; a guarantee of full project (and sub-project) transparency, so that investors can be held accountable both to affected communities and to the government; capacity and encouragement for governments to improve land tenure governance and to increase local communities’ security of land tenure.’ One of the reports greatest strengths is that it presents interesting recommendations to the Bank, including the need to: ensure transparency by publishing information on large-scale investments; respect and uphold the principle of free and prior informed consent for vulnerable communities and appropriate compensation where applicable; promote land rights and good land governance; and promote food security and environmental protection. It is an invaluable book to those interested in scrutinizing land grabbing from a procedural justice perspective.

13. In *Conservation, green/blue grabbing and accumulation by dispossession in Tanzania* **T. Benjaminsen** and **I. Bryceson** highlight the manner in which environmental conservation processes (wildlife, marine and coastal conservation) have influenced ‘green’ and ‘blue’ grabbing by more powerful foreign investors. It specifically points to the way environmental conservation processes by foreign investors have resulted in the dispossession of local people of their village lands, as well as tourism benefits. The article illustrates how ‘restrictions on local resource use are justified by degradation narratives’, and how the economic gains from tourism in the host communities are sapped within a governance framework that is devoid of transparency and access to information. It therefore points out that implementation of community-based conservation projects is a chief mechanism in which land and natural resources are accumulated and local communities dispossessed. The author also shed light on certain factors that have made the ‘win-win’ discourse on environmental conservation at the international level. This include, for instance, the fact that: it draws upon the basic ideas of a win-win relationship between environment and development that was popularized by the 1987 Brundtland Report; increased pressure from indigenous groups, human rights and development-based activists to stir conservation practices to a more ‘people-friendly’ direction; a move within developmental policy from previous top-down approach to a bottom-up approach; environmental conservation has been influenced by the neoliberal economic policies of global economic institutions.

## **Further Reading**

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