7

A Complex Relationship: Large-Scale Land Acquisitions and Land Tenure Security

A Global Overview and Insights from Zambia

Kerstin Nolte, Chewe Nkonde, Paul Samboko, Raoul Herrmann, Sarah Holzapfel, Henry Machina, and Mitelo Subakanya

Land Tenure Security and Large-Scale Land Acquisitions

Over the last decade, we observe an emerging interest in agricultural land globally. Due to the opaque nature of such large-scale land acquisitions (LSLAs), it is difficult to assess the true extent of the phenomenon, let alone speak of the impacts. However, data from the Land Matrix Initiative

K. Nolte (✉)
Institute of Economic and Cultural Geography, Leibniz University Hannover, Hanover, Germany
e-mail: nolte@wigeo.uni-hannover.de

C. Nkonde
Department of Agricultural Economics and Extension, University of Zambia, Lusaka, Zambia

© The Author(s) 2022

M. B. Holland et al. (eds.), *Land Tenure Security and Sustainable Development*,
https://doi.org/10.1007/978-3-030-81881-4_7

estimates that more than 1500 LSLAs on more than 42 million hectares in low- and middle-income countries have been taken by transnational investors alone. There is also growing evidence that domestic investors play a key role in land acquisitions (Lavers, 2012; Nolte & Sipangule, 2017), although information on the extent of their role remains thin. This emerging evidence reflects the rising interest in LSLAs by international and domestic investors to acquire land in low- and middle-income countries for agricultural (and other) purposes.[1] Global factors that have contributed to the increase in LSLAs include the food price spike in 2008, a rising global population, changing consumption patterns, and an increased demand for agrofuels (World Bank, 2010). At the national level, a conducive investment climate and the development of land markets play an important role (Sambo et al., 2015; Samboko et al., 2018).

Due to the persisting intransparency surrounding such acquisitions, the existing information on LSLAs by transnational and domestic investors from the Land Matrix is likely just the tip of the iceberg of a much broader trend in land acquisitions. Growing evidence shows that LSLAs happen all over the world, with hotspots in Southeast Asia, Eastern Europe, Brazil, and sub-Saharan Africa—with sub-Saharan Africa being the most targeted region and the focus of this chapter. Investors from industrialized countries play a disproportionate role, including major investor countries such as the United States and the United Kingdom. The most common investors are from Western Europe, followed by

[1] We will focus on agricultural purposes in this chapter, bearing in mind that land is also acquired for other reasons, including (but not limited to) mining, tourism, and conservation.

P. Samboko
Disaster Management and Mitigation Unit, Office of the Vice President, Government of Zambia, Lusaka, Zambia

R. Herrmann • S. Holzapfel
German Development Institute/Deutsches Institut für Entwicklungspolitik (DIE), Bonn, Germany

H. Machina • M. Subakanya
Indaba Agricultural Policy Research Institute, Lusaka, Zambia

Southeast Asia. Global South investors show a preference for investing in their own region (Nolte et al., 2016).

Arguments for and against the growing trend in LSLAs can be polarizing, as questions remain about whether LSLAs can be implemented in an economically, socially, and environmentally sustainable way. Proponents have argued for the renewed interest in the long-neglected agricultural sector and praised the associated development potential of LSLAs, while opponents refer to the phenomenon as "land grabbing," hinting at rather weak protection of land rights and adverse outcomes for affected populations. Regardless, LSLAs are directly linked to one of the key challenges of our times: *sustainable* development. Understanding the complexities of how LSLAs occur is a key step in understanding its impacts on the well-being of local populations and the use of natural resources, and how policies may facilitate an equitable and fair process.

LSLAs take place in complex land governance systems, and these systems can shape the way land acquisitions are implemented and affect the land tenure security of local populations. This is because whether rights to access and use land are being upheld when investors enter depends on the land governance system. Decreases in land tenure security itself can ultimately result in adverse outcomes for local populations. For instance, in many target regions—especially in sub-Saharan Africa where customary tenure regimes coexist with statutory tenure (Alden Wily, 2011; Boone, 2014)—documentation of land rights is poor, and overlapping land rights can lead to conflicts (Lund, 2008). If LSLAs happen in such contexts, land tenure security for local land users is likely to be particularly weak. Detailed case studies across sub-Saharan Africa document how investors negotiate LSLAs in the specific institutional context (Bottazzi et al., 2016; German et al., 2013; Nolte & Väth, 2015). These studies show how some investors use institutional weaknesses for the advantage of implementing their projects.

This chapter provides a global overview on the relationship between land tenure security and LSLAs and highlights the Zambian context to provide an illustrative example of how land acquisitions affect sustainable development. We focus on three topics: first, the role of land tenure security in attracting investors; second, the role of land tenure security in mitigating adverse impacts of LSLAs; and third, the impacts of acquisitions

on land tenure security. We close with discussing what role land tenure security can play in implementing LSLAs in a more sustainable fashion.

Global Overview

Land tenure security plays an important role in LSLAs in three ways. First, it affects the locational choice of investors. Despite the fact that investments typically require stable institutions, the LSLA literature discusses whether weak land tenure security attracts investors (Arezki et al., 2013; Lay & Nolte, 2018). We start with a quick visual impression and plot the number of LSLAs against the Global Index of the Governance Context for Land Tenure Security (GC-LTS) as a (national) measure of land tenure security for low- and middle-income countries.[2] The GC-LTS represents contextual factors of the governance context for land tenure security and is scaled from 0 to 1 with higher values signaling stronger land tenure security. The size of the circles is determined by the size of all LSLAs in a given country. Figure 7.1 does not show a clear relationship: land acquisitions occur in countries with different GC-LTS values. Most land acquisitions occur in countries with medium GC-LTS values (between 0.4 and 0.6). Acquisitions in countries with lower GC-LTS are fewer (and smaller), while very few acquisitions take place in countries with higher GC-LTS.

Empirical findings on the role of land tenure security in the locational choice of land acquisitions are rather scant. The literature typically finds that, generally speaking, institutions are an important determinant of land acquisitions, but the direction of the relationship is less clear. While Arezki et al. (2013) find that weak land tenure security is associated with more land acquisition projects, Lay and Nolte (2018) do not find such a straight-forward relationship. In contrast to the literature on foreign direct investment (FDI), the authors do not find a positive relationship with institutions and conclude that some deficiencies in specific institutions, such as corruption control, are tolerated by investors. Raimondi

[2] The GC-LTS provides information at the national level; hence variations within countries are not reflected in it.

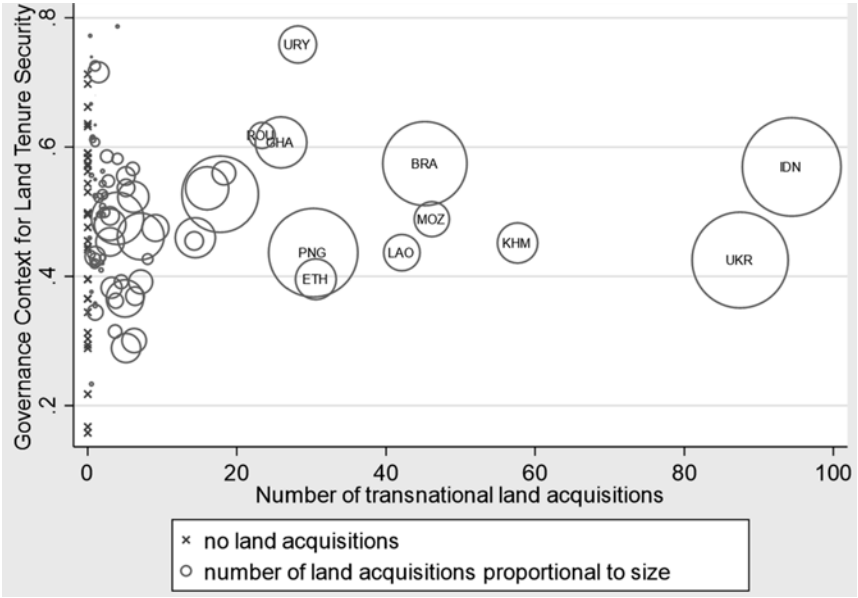

Fig. 7.1 Relationship between land tenure security and land acquisitions. (Source: data from Land Matrix Initiative (data as of February 8, 2018) and the Governance Context for Land Tenure Security (Kelly et al., 2017; Land Matrix, 2019). Each observation corresponds to a low- and middle-income country (the same set of countries that are considered in the Land Matrix data; countries with more than 20 acquisitions have a label (ISO 3 code))

and Scoppola (2018) take a different stance and find that the institutional distance (i.e., different institutional structures) between the target country and the origin of the investor matters. Countries with weak governance contexts for land tenure security would then invest in countries with similar contexts. However, patterns differ across geographical regions, and Africa follows a pattern of its own. This latter finding is likely to explain the ambiguous insights from Fig. 7.1: the relationship between land acquisitions and land tenure security is complex, certainly not linear, and deeply rooted in local institutional practices.

Second, land tenure security can function as a mitigation channel for impacts of LSLAs: whether land acquisitions occur in a context of weak or strong land tenure security makes a difference for the effects of LSLAs

on local communities and the environment (German et al., 2018). For instance, Herrmann (2017) argues for the case of Tanzania that investments implemented on former village land may be more prone to land conflicts compared with investments on former government land. The diversity of outcomes of LSLAs are widely discussed in the literature with a focus on socio-economic outcomes (Ali et al., 2016, 2019; Baumgartner et al., 2015; Deininger & Xia, 2016; Herrmann, 2017), and only a few studies on the environmental outcomes (Johansson et al., 2016; Shete et al., 2016; Zaehringer et al., 2018). While a comprehensive and full understanding of the impacts of LSLAs is still lacking, evidence so far suggests overall impacts are rather negative (Lay et al., 2021a). Many scholars argue that the impacts tend to be heterogeneous across and within different groups of the population. For instance, impacts differ for poorer and richer smallholder farmers or marginal groups such as women or ethnic minorities (Behrman et al., 2012; Borras & Franco, 2013; Cotula, 2013). Consequently, while certain groups of the population might well benefit from an investment, this is not true for others—and marginalized groups might even lose out. A key aspect in determining the outcomes of an LSLA is the "inclusiveness" of the business to be established (e.g., a commercial farm), which in turn is shaped by the local land governance system (German et al., 2018). The idea is that businesses have greater incentives to work with rural people who have secure land tenure and include them in their commercial ventures. This, in turn, is thought to improve the well-being of rural people.

Third, LSLAs can impact land tenure security. For instance, land acquisitions may displace local land users and/or deprive them of their access to land. Several case studies of land acquisitions from across the world report on the loss of access to land and displacements. Bottazzi et al. (2018) report a case in Sierra Leone where land accessible to households for agriculture was reduced by 50 percent. In Cambodia, Neef and Singer (2015) highlight that LSLAs are responsible for a large number of displacements. Although quantitative evidence on displacements is scarce, Land Matrix insights suggest that if displacements occur, many people are affected. Given that most of the land acquired is not idle land, the loss of access to land and displacements that occur are likely frequent (Nolte et al., 2016). Moreover, due to the presence of new investors, the

community's perception of land tenure security can change. The arrival of large-scale farms is often accompanied by a heightened sense of uncertainty, land scarcity, or tenure insecurity for smallholders (Cotula, 2011). Finally, the arrival of new investors may bring hidden deficiencies in the land governance systems and land conflicts to the surface, thus increasing calls for reforms that put further pressure on land governance systems (Bottazzi et al., 2016). Many land governance systems are unprepared for the relatively sudden appearance of wealthy investors. This may, in turn, catalyze calls to reform the land governance system, which can affect the land tenure security of local communities (Nolte & Väth, 2015).

In the following section, we will shed light on Zambia to further discuss the relationship between land acquisition and land tenure security.

Large-Scale Land Acquisitions and Tenure Security Contextualized: A Case of Zambia

Changes in the legal framework of Zambia's land governance system have been a major supporting factor of LSLAs. Although Zambia has a long history of large-scale farms that have coexisted alongside smallholder communities, the rise in demand for land since 1995 is unprecedented (Chu, 2013; Chu, Young, & Phiri, 2015; Nolte, 2014). Zambia has a land tenure system marked by a strong customary system, which in 1964 comprised 94 percent of the land area, and a statutory system that comprised the remaining 6 percent of state land. According to estimates by Sitko and Chamberlin (2016), customary land is down to about 54 percent of the total land area today. A major change came with the 1995 Lands Act, which, among other goals, strengthened property rights of titleholders on state land and eased land ownership by foreigners. Since its enactment, land acquisitions have increased rapidly in Zambia (Nolte, 2014). Besides the ability to acquire state land directly from the government for investment purposes, foreigners were also able to acquire large tracts of land directly from traditional leaders and convert it to leasehold tenure, typically granted for 99 years and renewable thereafter.

The recent surge in the acquisition of land in Zambia can be differentiated as follows. The first type comprises foreign-owned firms involved in agriculture, manufacturing, and extractive industries characteristically covering an area of 200 hectares or larger per acquisition (Land Matrix, 2019). About 26 deals with foreign-owned firms were concluded during 2000–2015, with the total size under contract estimated at approximately 390,000 hectares, which is more than the total area of Rhode Island (Land Matrix, 2019). The pace of these deals increased after 2011, supporting the argument that the recent LSLA phenomenon was in part driven by the 2008 global food crisis. The second type, the rise of domestic investor farms (those not exceeding 100 hectares landholding each—or medium-scale acquisitions), encompasses land acquisitions that have been under the radar in the development discourse but are shifting land distribution in Zambia from a more egalitarian broad-based farm structure to one that is highly concentrated (Jayne et al., 2014, 2016). These investments are partly a consequence of the increase in demand for land by the country's middle-class who see agriculture as a viable investment opportunity. Domestic investor farms are increasing at an extraordinary pace. Estimates suggest that the total area under the control of these farms exceeds that of foreign and previously established domestic large-scale holdings combined. Further, domestic investor farms now control more land than small-scale farms who represent the majority of farms in Zambia (Jayne et al., 2014).

Despite the interest that the emerging medium-scale farm sector has recently generated, we focus our discussion on land tenure security associated with LSLAs. However, as often both forms of increased demand for land happen in the same regions, it is likely that synergies between both forms exist (Lay et al., 2021b).

Does Weak Land Tenure Security Attract Investors in the Zambian Context?

Zambian state land can be leased for 99 years (with the option to renew) and is supported by documentation in the form of a certificate of title. Generally, ownership of land with certificate of title is perceived as a more

secure form of land tenure. Customary land, on the other hand, is held in trust by traditional leaders, and most smallholder communities are domiciled in areas that are under this tenure system.

In the Zambian context, the increase in LSLAs was only possible after the change in the land governance system with the Lands Act of 1995, which made it easier for investors to acquire land. Weaknesses in the system and a lack of enforcement have been identified, including a strong role of powerful individuals in the acquisition process, a lack of consultation with communities, weaknesses in the process of Environmental Impact Assessments, and the lack of a dispute resolution mechanism (Chu, Young, & Phiri, 2015; Henley, 2017; Nolte, 2014). These weaknesses impose few restrictions on investors—especially for land acquired under customary land tenure—and reduce transaction costs for investors. This could in turn attract more investors with low accountability.

Empirical evidence on this relationship for the case of Zambia is lacking. Our own interviews with investors in 2010 and 2011 show that investors rather complain about weak institutions and long processes for environmental impact assessments. No investor mentioned weak land tenure security as a determinant for land acquisitions. However, investors willing to talk to researchers are likely to be a biased sample of investors, as investors who might be attracted by weak tenure security may be less likely to speak to researchers.

Diversity of Outcomes of Land Acquisitions

We still lack a comprehensive understanding of the livelihood outcomes of LSLAs, and the same is true for the case of Zambia. While experts agree that land tenure security is particularly weak on customary land due to a lack of legal titles and formal documentations (Honig & Mulenga, 2015; Nhandu, 2017), it is less clear how different land tenure arrangements affect the diversity in outcomes following LSLAs.

While the Zambian government has created a conducive environment for LSLAs in order to increase investment opportunities, critics have argued that the sources of livelihood for local communities affected by such investments are bound to be threatened (Chu & Phiri, 2015). The

majority of studies indeed find rather negative impacts from LSLAs, such as the loss of access to land, increasing land scarcity, and adverse environmental effects (Milimo et al., 2011; Mujenja & Wonani, 2012; Nolte, 2014). However, studies have also found positive aspects, including job creation and an increase in farm wage income (Ahlerup & Tengstam, 2015; Mujenja & Wonani, 2012; Schüpbach, 2014), improved access to infrastructure (Milimo et al., 2011), and improved social capital for communities close to large-scale farms (e.g., people living closer to large-scale farms or working for them show more cooperative behavior) (Khadjavi, Sipangule, & Thiele, 2019).

A key finding from these studies is that impacts are diverse—that is, different parts of society are affected differently by land acquisitions. The diversity of impacts can mainly be explained through different employment opportunities and opportunities from contract farming schemes, which are agreements between farmers and investors over production and sale of agricultural produce that provide farmers with market access, access to credit, technical advisory services, and inputs. For instance, impacts differ along gender lines, with women being less likely to benefit from LSLAs as they are mainly employed in lowly paid seasonal jobs (Matenga & Hichaambwa, 2017; Mujenja & Wonani, 2012). Impacts also differ along generational differences and wealth and poverty lines, as the youngest and poorest parts of society are often given the least paying jobs (Matenga & Hichaambwa, 2017; Mujenja & Wonani, 2012). Lay et al. (2021) observe positive spillovers in the form of increased productivity, yet farmers with slightly larger farm sizes benefit more than the smallest smallholders. Moreover, if contract farming is being implemented, it is mainly among farmers with more social, financial, and political capital who take part in those schemes, as participation is often contingent on ownership of land, giving them the ability to fully benefit from these programs (Matenga & Hichaambwa, 2017). In addition, impacts across different groups of contract farmers also differ: while dividends are good for some who are involved in the contract farming program, the distribution of these gains is uneven, both between and within households. Dividends are mainly captured by men and by external elites that have gained access to the land (Matenga, 2017).

Impacts of Large-Scale Land Acquisitions on Land Tenure Security in Zambia

In this section we focus on the impacts of LSLAs on land tenure security through the three channels: displacements, perception on land tenure security, and pressure on the land governance system. Box 7.1 portrays one specific large-scale farm in Zambia's Central Province and uses this example to discuss displacement impacts and show how the perception of land tenure security for surrounding smallholders changes.

Displacements

Studies have shown evidence of displacements due to the acquisition of land by investors (Chu, Young, & Phiri, 2015). Consultations with the communities affected by these land-based investments are limited or non-existent. While the 1995 Lands Act provides for consultation among individuals to be displaced, there is no clarity on the process of consultation (i.e., who and how the affected communities are to be consulted) (Tagliarino, 2014).

Besides the lack of consultation, there is no clear division of duties for resettlement among government bodies that take part in the resettlement process. The legal framework is unclear on who is responsible for monitoring and ensuring compliance with investor commitments (Chu, Young, & Phiri, 2015). There are also significant delays in the environmental impact assessment (EIA) process and resettlement action plan (RAP) development. Paradoxically, the EIA usually comes after the RAP, and, as such, potential adverse environmental impacts are seldom mitigated because recommendations from EIAs are rarely, if ever, incorporated into RAPs (Henley, 2017). In addition, where households are displaced, compensation is mostly inadequate and EIAs are weakly enforced, leaving everything to the investor's discretion. There are no legal provisions for compensating economic and socio-cultural losses associated with livelihood source losses, such as forests, and only loss of crops and fruit trees is considered. In general, the lack of monitoring and enforcement that the promised benefits are delivered, and the potential

adverse impacts are mitigated, reinforces the power imbalance between investors and local communities.

Examples of displacements due to LSLAs in Zambia are plentiful. The creation of an oil palm project in Mpika district (north of Zambia) saw two villages losing their land for agricultural purposes, with a total of 45 households living in the land allocated to the new project being displaced and resettled (German et al., 2011). In the northwestern province of the country, Chu and Phiri (2015) report on a mining project that acquired customary land, resulting in 570 families being affected and needing to be resettled. The resettlement process was delayed, which in turn affected their farming activities and overall well-being. The Human Rights Watch conducted a study on land-based investments in Serenje district (central Zambia), finding evidence of traditional authorities not consulting affected communities, as well as persistent failures by government agencies in providing oversight and enforcement of legal requirements (Human Rights Watch, 2017). Ultimately, this has led to the forced eviction of hundreds of individuals from their homes and lands with no compensation in most of the cases.

The example presented in Box 7.1 is a case of an LSLA that is considered to have avoided adverse displacement impacts, as international guidelines were followed and consultation and compensation were taken seriously. Nevertheless, the case presents a situation where investment has displaced several households and contributed to land scarcity in the area.

Perception on Land Tenure Security

According to a survey on tenure security, 27 percent of respondents in Zambia felt insecure about their tenure rights in 2018. Perceived tenure insecurity is higher in urban areas (Prindex, 2019).

The case discussed in Box 7.1 shows that irrespective of the actual changes to land tenure, areas in which investments take place can be marked by land scarcity despite the narrative of Zambia as having a lot of "idle land," and as a result perceived land tenure security degrades further in the presence of LSLAs.

Box 7.1 The case of Amatheon farm's impact on displacement & perceived tenure security

Amatheon Agri Zambia Ltd (heretofore Amatheon) is a large-scale farm operation based in the Big Concession farm block of Mumbwa district in central Zambia. The firm is a subsidiary of Amatheon Agri Holding N.V., an agribusiness and food company based in Berlin, Germany. Amatheon has acquired a leasehold of more than 40,000 hectares of state land, of which approximately 7000 hectares is operational at this time. The company started working in Zambia in 2012. It produces maize, soya, wheat, and groundnuts and owns 1300 heads of cattle. Amatheon employed 210 permanent workers at the time of writing. The number of casual workers who are employed for a maximum of six months varies between 300 and 600, depending on the season.

Besides its core farming business, Amatheon has set up an outgrower program with more than 12,000 registered smallholder farmers. The program started in 2015 in Mumbwa district and was co-financed by the Deutsche Investitions- und Entwicklungsgesellschaft (DEG). The program expanded to the district of Chibombo in 2017 when USAID joined the project. Amatheon uses the outgrower program as an instrument to increase its trading volume while also aiming to achieve a positive social impact. The company has established a network of rural trading depots in the two districts where farmers are able to purchase inputs and sell their crops and livestock. In addition, Amatheon, through its field officers and farmer coordinators, provides training to farmers on a number of topics, such as conservation agriculture, business and financial literacy, and post-harvest handling techniques. With the exception of a small agricultural finance component, Amatheon does not use contracts in its outgrower scheme. This implies that farmers can freely choose whom to sell their output to. However, it also means that Amatheon does not provide a purchase guarantee for farmers without input loans. While Amatheon purchased almost 11,000 tons of grain from 4045 farmers in 2016, the company only purchased 500 tons from 238 farmers in 2017. The reason for the low amount is a bumper harvest in the South African Development Community in 2017, which has led to a lack of demand and low market prices, especially for maize. According to company employees, Amatheon was not able to identify buyers to profitably resell farmers' produce. The outgrower program started off with a lot of ambition but has actually—so far—failed to meet expectations.

Several authors of this chapter have been involved in field research surrounding Amatheon's farm in Zambia, which was conducted between 2015 and 2018. Based on these insights, we share impacts of the Amatheon farm on displacements and perceived land tenure security.

Displacements: Amatheon refrained from purchasing customary land and only acquired state land. The land the company acquired was largely unin habited and in the hands of several (absentee) landlords. Although

(*continued*)

Box 7.1 (continued)

Amatheon sought to purchase only uninhabited land, many households still live(d) on the land. One reason was unclear land boundaries between customary and state land, making it difficult to identify truly uninhabited land. Amatheon decided to first develop tracts of land where only a few families lived. For the development of its first farm block and the construction of a dam, several families were resettled.[3] Amatheon used the Government of Zambia's Guidelines for the Compensation of Internally Displaced Persons and the International Finance Corporation's Handbook for Preparing Resettlement Action Plan Reports as a basis for drafting the resettlement plan. Reports show that families have been compensated and received titled land and brick houses (Chu et al., 2015; Herre, 2013); yet, in several instances, there have also been substantial delays in Amatheon meeting its agreements with the resettled families (Salverda, 2018).

The case of Amatheon also shows the challenges that investors might have in developing and safeguarding acquired land. Amatheon plans to develop a block of land close to the Kafue River. According to the farm manager, 99 families live on the land and it will be too expensive to compensate all of them.

Perceived land tenure security, land prices, land scarcity, and land disputes: In 2018, we conducted a household survey among smallholder farmers in Mumbwa and Chibombo district where Amatheon operates its outgrower scheme. Our survey data shows that 98 percent of the land farmed by the 797 interviewed households is customary land, while the remainder is titled land. We find that land prices have considerably increased since Amatheon came to the area. Prices have increased from an average of 713 Kwacha (approximately 54 USD in 2019) per ha between 2007 and 2012 to 984 Kwacha per ha (approximately 75 USD in 2019) between 2013 and 2018. Moreover, we find that since 2013, there has been a slight increase in the number of farmers acquiring new land.

(*continued*)

[3] It remains unclear how many households were resettled due to Amatheon's operations—in the first phase and afterward. According to company information, 11 households were affected in the first phase, whereas Salverda (2018) claims 20 families had been resettled or their plots had been "carved out" and another 7 families had been in the process of resettlement during Salverda's research. Carving out refers to households that remain on their land and are assisted by Amatheon to obtain title deeds—they are "carved out" from Amatheon's land (Joala et al., 2016). Concerning the development of the second phase, Amatheon's homepage publishes a media report that refers to "39 affected households and fields" according to Amatheon's Environmental Impact Statement (Amatheon Agri Holding N.V.—Commencing Second Phase of Agricultural Development in Zambia, 2014). According to Henley (2017), Amatheon displaced 43 families.

Box 7.1 (continued)

Interviewed households assess the land as scarce despite the narrative of Zambia having abundant land. One of the questions we asked in the household survey was, "*In your perception, do village headmen/authorities still have unallocated arable land that could be given to households in this area?*" Out of 796 respondents, 88 percent answered "No," highlighting a sense of land scarcity in the study area. Further, we found perceptions of land availability differed according to the distance to Amatheon's operations, with a greater proportion (91 percent) of respondents living within 25 kilometers of the Amatheon farming operation reporting they did not perceive there was still unallocated arable land in the area.[4]

During focus group discussions (FGDs) close to Amatheon's farming operations in 2015, smallholders expressed fear that land in the area is scarce and that their land is becoming more and more insecure due to the presence of Amatheon (three FGDs in October 2015). For instance, one participant stated that "*this issue of buying land everywhere, so many hectares, uh. It's giving us fear.*" In the same FGD, one participant added, *"So what we saw is that our leaders, political leaders, were not ensuring that their people also have land"* (FGD men, October 14, 2015). In another FGD, someone, referring to Amatheon, claimed, *"Kaindu land is too sweet for them. They want to get everything"* (FGD outgrower, October 13, 2015). In a women's group, one participant worried, *"So we just get worried that this buying of land is just too much. Maybe they can even get land where we stay. Where will we go?"* (FGD women, October 14, 2015). Irrespective of the actual changes to land tenure, there is a strong perception of land scarcity even to the degree that land owned by smallholders on customary land is threatened.

There are two other factors besides Amatheon acquiring land that might have contributed to increased land pressure. First, there are other larger private investments within Mumbwa district. For instance, Chu et al. (2015) report of a sugar plantation in Chief Shakumbila's area that attempted to acquire 20,000 ha of customary land from Chief Kaindu for a game ranch, as well as several medium-scale commercial farms (over 20 ha). Second, during two FGDs in 2017 with Amatheon outgrowers and farmer coordinators, participants reported that farmers expand their area cultivated because the outgrower program has taught them to see farming as a business. *"They*

(*continued*)

[4] Measured from the farm offices.

Box 7.1 (continued)

now know the value of land. Everyone wants to cultivate more hectares so that they can have more produce. Because you know farming is a business" (FGD farmer coordinators, July 15, 2017). In another FGD, one participant stated, "*The land is now finished because of farming*" (FGD outgrowers, July 15, 2017), indicating there is no more land left in the area. In both FGDs, participants are of the opinion that farming as a business is a contributing reason why people are now fighting over land.

With an under-resourced State facing difficulties of keeping land registration, demarcation, and other cadastral services updated, land disputes are frequent in the case of Amatheon. With much of Amatheon's land not being developed yet, there have been a number of Zambians, often coming from elsewhere in the country, settling, or being resettled, on Amatheon land over the years. In one case, a smallholder, who Amatheon had actually compensated with a brick house and plot of land elsewhere in the area, remained on the land he had to vacate, and even started selling plots to others. Probably because Amatheon was not developing that land, he saw an opportunity and pretended to be the owner. Though the court has settled the case in favor of Amatheon, this and other cases are indicative of the tensions that may come with large land ownership in the area. To solve some of these tensions, or at least provide evidence to the surrounding residents where Amatheon's land officially starts, the company has been requested to demarcate the boundaries. However, marking land boundaries has led to new tensions, with the residents disputing either Amatheon's ownership or the location of the boundary between their and Amatheon's land. With only a small part of its total land developed so far, while the local population is simultaneously perceiving increasing land scarcity, Amatheon will probably continue to be confronted with land disputes. As disputes arise, they will have to try and resolve in court, with the assistance of the local government and/or traditional leadership, and/or by means of resettling the residents according to international standards.

Sources: Nolte and Subakanya (2016); Salverda (2018); primary data from own field research.

Pressure on the Zambian Land Tenure System

For years, customary land documentation in Zambia has remained elusive because of the belief that land ownership in this type of tenure system may not require documentation (Kaima, 2017). In more recent times, however, a number of traditional chiefs have started issuing

certificates of ownership that are legally recognized and enforceable. This effort to strengthen (customary) tenure security is a clear sign that chiefs increasingly feel pressure on the land tenure system.

According to the 1995 Lands Act, the President, who is the custodian of all land, is required to consult local leaders in the event that land under customary tenure is to be alienated for large projects. The specific parties responsible for approving the conversion of customary land to leasehold title in Zambia are the traditional chiefs and local government leaders in the targeted locations. The Commissioner of Lands at the Ministry of Lands and Natural Resources is also meant to provide consent unless the process causes injustice, or is contrary to national interest or policy (Samboko et al., 2018). However, this approval process does not happen in practice. Therefore, the rise in large-scale commercial agriculture, in the context of weak land protection, is likely to push smallholders off their land, force them out of production, impact their right to food, and eventually compromise the country's peace and social cohesion (Elver, 2018).

A new draft of the land policy is intended to address these inherent challenges with land administration in Zambia, but it remains contested among traditional leaders who have rejected the policy due to the fear of losing power and a lack of engagement with them (House of Chiefs, 2018; Kapata, 2018). At the moment of writing (early 2020), the draft land policy is at a deadlock. Nonetheless, this again makes the pressure on the dual land tenure system evident. The national land policy has been adopted in May 2021 (Republic of Zambia, 2021). The deadlock following the draft land policy of 2017 was revived with a new draft land policy in 2020. The adopted national land policy is a much condensed version of earlier drafts. While civil society organizations welcome the adoption, recognize the inclusive approach in policy formulation, and the potential for more equitable land access, they also caution against the lack of clarity concerning customary land certificates and a lack of adequate provisions around informed consent in the face of large-scale land-based investments. The actual implementation of the policy is thus crucial (Land Portal, 2021; Zambia Land Alliance, 2021).

Outlook: LSLAs, Land Tenure Security, and Sustainable Development

This chapter has highlighted that the relationship between land tenure security and LSLAs is multi-faceted and complex. Land tenure security has immense importance as to *where* land acquisitions take place, and how they *impact* local communities, and the security of tenure may even *change* due to land acquisitions that may lead to displacements and put pressure on the land governance systems. This has been discussed on a global scale and in the case of Zambia.

A number of key messages emerge from our analysis. First, especially in countries with weak land tenure security, it is important to *not* welcome investors without a second thought. This is because investors might be tempted to take advantage of institutional weaknesses. Thus, scrutinizing investors and their projects before granting them access to land is crucial. Second, in contexts with stronger land tenure security, adverse impacts of LSLAs may be mitigated more easily. Accordingly, in contexts with weak land tenure security, it is even more crucial to take the needs of marginalized groups into account and make sure they do not lose access to land if LSLAs are implemented. Third, as LSLAs may have impacts on land tenure security, we need to understand that there is a window of opportunity for institutional change, and closely follow the implications of changes to the land governance systems that can be catalyzed by LSLAs.

From our analysis, we conclude that for LSLAs to be implemented in an economically, socially, and environmentally sustainable way, land tenure security plays a key role: both investors and affected communities need to rely on land tenure security, and only if tenure is secure does it makes sense for land users to use land in an environmentally sustainable way.

Obviously, the question of how to improve the security of tenure is not easy to answer and depends largely on the national context. There is no blueprint for improving tenure security across the globe. In the Zambian context, we currently see the process of reforming the land policy at a deadlock. A crucial step here is to ensure all relevant stakeholders are

consulted when drafting the upcoming land policy. This could address apparent weaknesses of the land governance system resulting in very weak land tenure security, especially for marginalized groups such as women and those living on customary land.

Future research should focus on two main aspects. First, we need a much better understanding of the differential impacts of LSLAs given land tenure security can vary within and across people and areas. In particular, research should focus on the diversity of impacts on different social groups, including men and women, the youth, marginal groups, and better-off and poorer smallholders. Second, research should advance understanding of how land tenure security can be strengthened given the factors unique to specific local settings. This requires a clear understanding of all relevant stakeholders and their specific roles and interests. Comparative case studies can reveal variations within and across countries and identify potential diverse influence channels, such as the role of domestic and international civil society, community movements, and international donors and policy frameworks. Finally, better data is needed to understand LSLAs, where and how they occur, and to understand the national and global extent of LSLAs. A clearer picture of LSLAs is starting to emerge, but to develop robust, timely policies, a representative and more comprehensive analysis is needed.

References

Ahlerup, P., & Tengstam, S. (2015). *Do the land-poor gain from agricultural investments? Empirical evidence from Zambia using panel data* (Working Papers in Economics No. 624). Retrieved from University of Gothenburg, Department of Economics website: https://econpapers.repec.org/paper/hhsgunwpe/0624.htm

Alden Wily, L. (2011). 'The law is to blame': The vulnerable status of common property rights in Sub-Saharan Africa. *Development and Change, 42*(3), 733–757. https://doi.org/10.1111/j.1467-7660.2011.01712.x

Ali, D., Deininger, K., & Harris, A.. (2016). *Large farm establishment, smallholder productivity, labor market participation, and resilience. Evidence from Ethiopia*

(7576). http://documents.worldbank.org/curated/en/650951468187134876/pdf/WPS7576.pdf

Ali, D., Deininger, K., & Harris, A. (2019). Does large farm establishment create benefits for neighboring smallholders? Evidence from Ethiopia. *Land Economics, 95*(1), 71–90.

Amatheon Agri Holding N.V.—Commencing Second Phase of Agricultural Development in Zambia. (2014). Retrieved October 14, 2019, from Amatheon Agri Holding N.V.—Commencing Second Phase of Agricultural Development in Zambia website: https://amatheon-agri.com/commencing-second-phase-of-agricultural-development-in-zambia/

Arezki, R., Deininger, K., & Selod, H. (2013). What drives the global 'land rush'? *The World Bank Economic Review*.

Baumgartner, P., von Braun, J., Abebaw, D., & Müller, M. (2015). Impacts of large-scale land investments on income, prices, and employment: Empirical analyses in Ethiopia. *World Development, 72*, 175–190.

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

Boone, C. (2014). *Property and political order in Africa: Land rights and the structure of politics*. Cambridge University Press.

Borras, S. M., & Franco, J. C. (2013). Global land grabbing and political reactions 'from below'. *Third World Quarterly, 34*(9), 1723–1747. https://doi.org/10.1080/01436597.2013.843845

Bottazzi, P., Crespo, D., Bangura, L. O., & Rist, S. (2018). Evaluating the livelihood impacts of a large-scale agricultural investment: Lessons from the case of a biofuel production company in northern Sierra Leone. *Land Use Policy, 73*, 128–137. https://doi.org/10.1016/j.landusepol.2017.12.016

Bottazzi, P., Goguen, A., & Rist, S. (2016). Conflicts of customary land tenure in rural Africa: Is large-scale land acquisition a driver of 'institutional innovation'? *The Journal of Peasant Studies, 43*(5), 971–988. https://doi.org/10.1080/03066150.2015.1119119

Chu, J., & Phiri, D. (2015). *Large-scale land acquisitions in Zambia* (Research Report No. 50; p. 40). Institute for Poverty, Land and Agrarian Studies.

Chu, J., Young, K., & Phiri, D. (2015). Large-scale land acquisitions, displacement and resettlement in Zambia. *PLAAS Policy Brief, 41*.

Chu, J. M. (2013). *Creating a Zambian breadbasket: 'Land grabs' and foreign investments in agriculture in Mkushi District, Zambia* (No. Working Paper 33; p. 27). Rotterdam: The Land Deal Politics Initiative (LDPI).

Cotula, L. (2011). *Land tenure issues in agricultural investment*. Rome: FAO.

Cotula, L. (2013). *The great African land grab? Agricultural investments and the global food system*. Zed Books.

Deininger, K., & Xia, F. (2016). Quantifying spillover effects from large land-based investment: The case of mozambique. *World Development, 87*, 227–241. https://doi.org/10.1016/j.worlddev.2016.06.016

Elver, H. (2018). *Report of the Special Rapporteur on the Right to Food on her Mission to Zambia*.

German, L., Cotula, L., Gibson, K., Locke, A., Bonanno, A., & Quan, J. (2018). *Land governance and inclusive business in agriculture: Advancing the debate*, 41.

German, L., Schoneveld, G. C., & Gumbo, D. (2011). The local social and environmental impacts of smallholder-based biofuel investments in Zambia. *Ecology and Society, 16*(4). https://doi.org/10.5751/ES-04280-160412

German, L., Schoneveld, G. C., & Mwangi, E. (2013). Contemporary processes of large-scale land acquisition in Sub-Saharan Africa: Legal deficiency or elite capture of the rule of law? *World Development, 48*, 1–18.

Henley, G. (2017). *Review of social issues for large-scale land investment in Zambia* (Working Paper No. 2017/42; p. 15). United Nations University World Institute for Development Economics Research.

Herre, R. (2013). *Agribusiness-Expansion, Land Grabbing und die Rolle europäischer privater und öffentlicher Gelder in Sambia: Eine Bewertung basierend auf dem Recht auf Nahrung* (R. van Ess, Trans.). Köln: FIAN Deutschland e.V.

Herrmann, R. T. (2017). Large-scale agricultural investments and smallholder welfare: A comparison of wage labor and outgrower channels in Tanzania. *World Development, 90*, 294–310. https://doi.org/10.1016/j.worlddev.2016.10.007

Honig, L., & Mulenga, B. P. (2015). *The status of customary land and the future of smallholder farmers under the current land administration system in Zambia*. http://www.iapri.org.zm/images/WorkingPapers/wp101.pdf

House of Chiefs. (2018). *Report of the First Ever Chiefs Indaba on the Draft National Land Policy*. Lusaka, Zambia.

Human Rights Watch. (2017). *'Forced to leave': Commercial farming and displacement in Zambia*. Human Rights Watch.

Jayne, T. S., Chamberlin, J., Traub, L., Sitko, N., Muyanga, M., Yeboah, F. K., Kachule, R., et al. (2016). Africa's changing farm size distribution patterns: The rise of medium-scale farms. *Agricultural Economics, 47*(S1), 197–214. https://doi.org/10.1111/agec.12308

Jayne, T. S., Chapoto, A., Sitko, N., Nkonde, C., Muyanga, M., & Chamberlin, J. (2014). Is the scramble for land in Africa foreclosing a smallholder agricultural expansion strategy? *Journal of International Affairs, 67*(2), 35–53.

Joala, R., Zamchiya, P., Ntauazi, C., Musole, P., & Katebe, C. (2016). *Changing agro-food systems: The impact of big agro-investors on food rights. Case studies in Mozambique and Zambia*. http://repository.uwc.ac.za/xmlui/handle/10566/4342

Johansson, E. L., Fader, M., Seaquist, J. W., & Nicholas, K. A. (2016). Green and blue water demand from large-scale land acquisitions in Africa. *Proceedings of the National Academy of Sciences, 113*(41), 11471–11476. https://doi.org/10.1073/pnas.1524741113

Kaima, R. (2017). *The legality of customary land documents within the existing formal legal system in Zambia*. Nyimba District Land Alliance.

Kapata, J. (2018). *Ministerial Statement. The Outcome of the National Validation Meeting for the Draft National Land Policy*. http://www.parliament.gov.zm/sites/default/files/images/publication_docs/MINISTERIAL%20STATEMENT%20BY%20THE%20MINISTER%20OF%20LANDS.pdf

Kelly, A., Bedford, C., Lawry, S., Musengezi, J., Naughton-Treves, L., Sunderlin, W., Veit, P., Masuda, Y. J., Barthel, K., Robinson, B. E., Childress, M., Game, E. T., & Ginsburg, C. (2017). *Mapping the global governance context for land tenure security*. Presented at the 2017 World Bank Conference on Land and Poverty.

Khadjavi, M., Sipangule, K., & Thiele, R. (2019). Social Capital and Large-Scale Agricultural Investments: An Experimental Investigation. *The Economic Journal*. https://doi.org/10.1093/ej/ueaa050.

Land Matrix. (2019). Land Matrix. Retrieved March 6, 2019, from Global Observatory website: https://landmatrix.org/global/

Land Portal (2021). Zambia Launches National Land Policy. https://www.landportal.org/node/99906

Lavers, T. (2012). 'Land grab' as development strategy? The political economy of agricultural investment in Ethiopia. *The Journal of Peasant Studies, 39*(1), 105–132. https://doi.org/10.1080/03066150.2011.652091

Lay, J., & Nolte, K. (2018). Determinants of foreign land acquisitions in low- and middle-income countries. *Journal of Economic Geography, 18*(1). https://doi.org/10.1093/jeg/lbx011

Lay, J., Anseeuw, W., Eckert, S., Flachsbarth, I., Kubitza, C., Nolte, K., & Giger, M. (2021a). Taking stock of the global land rush: Impacts and risks. Analytical Report III. Bern Open Publishing.

Lay, J., Nolte, K., & Sipangule, K. (2021b). Large-scale farms in Zambia: Locational patterns and spillovers to smallholder agriculture. World Development, 140, 105277. https://doi.org/10.1016/j.worlddev.2020.105277

Lund, C. (2008). *Local politics and the dynamics of property in Africa*. Cambridge University Press.

Matenga, C. R. (2017). Outgrowers and livelihoods: The case of Magobbo smallholder block farming in Mazabuka District in Zambia. *Journal of Southern African Studies, 43*(3), 551–566. https://doi.org/10.1080/03057070.2016.1211402

Matenga, C. R., & Hichaambwa, M. (2017). Impacts of land and agricultural commercialisation on local livelihoods in Zambia: Evidence from three models. *The Journal of Peasant Studies, 44*(3), 574–593. https://doi.org/10.1080/03066150.2016.1276449

Milimo, J. T., Kalyalya, J. H., Machina, H., & Hamweene, T. (2011). *Social impacts of land commercialization in Zambia: A case study of Macha mission land in Choma district*. International Land Coalition.

Mujenja, F., & Wonani, C. (2012). *Long-term outcomes of agricultural investments: Lessons from Zambia*. IIED.

Neef, A., & Singer, J. (2015). Development-induced displacement in Asia: Conflicts, risks, and resilience. *Development in Practice, 25*(5), 601–611. https://doi.org/10.1080/09614524.2015.1052374

Nhandu, T. (2017). *Baseline Report Zambia*. Transparency International Zambia. Land and Corruption in Africa Project (DFID).

Nolte, K. (2014). Large-scale agricultural investments under poor land governance in Zambia. *Land Use Policy*. https://doi.org/10.1016/j.landusepol.2014.01.014

Nolte, K., Chamberlain, W., & Giger, M. (2016). *International land deals for agriculture. Fresh insights from the land matrix: Analytical Report II*. https://doi.org/10.7892/boris.85304

Nolte, K., & Sipangule, K. (2017). *Land use competition in Sub-Saharan Africa's rural areas*, 4.

Nolte, K., & Subakanya, M. (2016). Relationship between large-scale agricultural investors and local communities: Lessons from two investments in Zambia. *IAPRI Policy Brief, 79*. http://www.iapri.org.zm/images/PolicyBriefs/ps_79.pdf

Nolte, K., & Väth, S. J. (2015). Interplay of land governance and large-scale agricultural investment: Evidence from Ghana and Kenya. *The Journal of Modern African Studies, 53*(1), 69–92. https://doi.org/10.1017/S0022278X14000688

Prindex. (2019). Zambia. Retrieved April 5, 2019, from https://www.prindex.net/data/zambia/

Raimondi, V., & Scoppola, M. (2018). Foreign land acquisitions and institutional distance. *Land Economics, 94*(4), 517–540.

Republic of Zambia (2021). National Lands Policy, May 2021. https://pmrc-zambia.com/wp-content/uploads/2021/05/National-Lands-Policy.pdf

Salverda, T. (2018). Facing criticism: An analysis of (land-based) corporate responses to the large-scale land acquisition countermovement. *The Journal of Peasant Studies, 0*(0), 1–18. https://doi.org/10.1080/03066150.2018.1439930

Sambo, P. T., Haywood, C., Wardell, D. A., Kibugi, R., & Segger, M.-C. C. (2015). *Enabling legal frameworks for sustainable land use investments in Zambia* (Occasional Paper No. 141; p. 80). Center for International Forestry Research.

Samboko, P. C., Kabisa, M., & Henley, G. (2018). Constraints to biofuel feedstock production expansion in Zambia. *Development Southern Africa*, 1–15. https://doi.org/10.1080/0376835X.2018.1508988

Schüpbach, J. M. (2014). *Foreign direct investment in agriculture: The impact of outgrower schemes and large-scale farm employment on economic well-being in Zambia* (ETH Zurich). https://doi.org/10.3929/ethz-a-010401958

Shete, M., Rutten, M., Schoneveld, G. C., & Zewude, E. (2016). Land-use changes by large-scale plantations and their effects on soil organic carbon, micronutrients and bulk density: Empirical evidence from Ethiopia. *Agriculture and Human Values, 33*(3), 689–704. https://doi.org/10.1007/s10460-015-9664-1

Sitko, N. J., & Chamberlin, J. (2016). The geography of Zambia's customary land: Assessing the prospects for smallholder development. *Land Use Policy, 55*, 49–60. https://doi.org/10.1016/j.landusepol.2016.03.026

Tagliarino, N. K. (2014). *Zambia: Conversions of customary land to leasehold title*. Focus on Land in Africa.

World Bank. (2010). *Rising global interest in farmland: Can it yield sustainable and equitable benefits?* World Bank.

Zaehringer, J. G., Wambugu, G., Kiteme, B., & Eckert, S. (2018). How do large-scale agricultural investments affect land use and the environment on the western slopes of Mount Kenya? Empirical evidence based on small-scale farmers' perceptions and remote sensing. *Journal of Environmental Management, 213*, 79–89. https://doi.org/10.1016/j.jenvman.2018.02.019

Zambia Land Alliance. (2021). Civil Society Welcomes Adoption of National Lands Policy. https://www.facebook.com/ZambiaLandAlliance/posts/pfbid0VvbojypZfbC3SCyS8eHQ9wDqh9pULDHA3d941U7a8Fgg2Gtny8Tr5bSdPG9KGYcgl

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (http://creativecommons.org/licenses/by/4.0/), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.