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Facing criticism: Agro-extractivism and its countermovement

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Facing Criticism

Agro-Extractivism and its Counter-Movement

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This article analyses the interactions between corporations involved in agro-extractivism and a counter-movement concerned about their practices. This counter-movement, which groups together various critics such as NGOs, local communities, peasant movements, activist scholars and journalists, appears to have more impact on economic enterprises than is currently acknowledged. Initiatives such as FAO's Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) and Coca-Cola's pledge to ban 'land grab' in its supply chain, for example, result from the pressure critics have built up. Yet by no means has this proven to be sufficient. Many concerns remain. By means of discussing how corporations respond to their critics, with a main focus on European agribusiness operating in Zambia, this article hopes to contribute to a more fine-grained understanding of the potential and limits for fairer outcomes.

Introduction

The negative impact of agro-extractivism on peasants, smallholders and/or labourers has received substantial scholarly attention over the last years, in particular due to the related rush for land (e.g. De Schutter 2010; Ploeg 2010; Zoomers 2010; Anseeuw et al. 2012; Cotula 2012; Geisler 2012; Borras and Franco 2012; White et al. 2012; Zoomers et al. 2016). Campaigns by NGOs, such as Grain and Oxfam, also attest of the increasing concerns. And even more business-oriented media outlets like the *Financial Times* are becoming critical, such as its March 2016 investigation

titled *The Great Land Rush* illustrates.¹ Yet it is hardly assessed how corporate actors react to the criticism they face.

Partly in response to being closely watched by a counter-movement of (international) critics, a European agribusiness in Zambia, the main case analysed in this article, has relatively decently dealt with a number of smallholder farmers that resided on the titled land it purchased. From my interactions with, and observations of, investors and corporations more generally, I noticed that many of them are concerned about the opposition they face. Coca-Cola Company Ltd., PepsiCo and Illovo Sugar (in which Associated British Foods is the majority shareholder), for example, announced to ban 'land grabbing' in their supply chains after a successful campaign launched by Oxfam. Equally, international guidelines such as the VGGT, codes of conduct and responsible investment principles are illustrative of the fact that concerns do not necessarily fall on deaf ears.

With a specific focus on the European investment in Zambia, which is considered an attractive investment destination due to the alleged abundance of potential agricultural land and water resources (Chu 2013; Herre 2013; Nolte 2013; Schoneveld 2014), this contribution intends to present a more fine-grained understanding of the impact of interactions between (agro-)capital and its critics. It will illustrate that in some instances, like in Zambia, critique may, at least to a certain extent, lead to changes on the ground. In other instances, it may do relatively little – as also illustrated in Grain's (2016) *The Global Farmland Grab in 2016: How Big, How Bad?* and the latest Land Matrix's report on international land deals for agriculture (Nolte et al. 2016). By means of investigating the European agribusiness this contribution hopes to offer additional insights about the potential and limits of mitigating the negative impact of agro-extractivism.

Methodology and analytical framework

¹ <http://www.ft.com/intl/great-land-rush> [accessed 10 March 2016]

² <http://www.rspo.org/>

³ http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_map_2013.pdf [accessed 14 March 2016]

⁴ <https://theconversation.com/next-steps-to-strengthen-global-land-governance-58940> [accessed 11

The data analysed in this article is of a qualitative nature and gathered at various (field) sites. The main part relies on on-the-ground research conducted at the European investment site in Zambia during research visits in 2015 and 2016. In Europe, I have also visited the agribusiness's headquarters and interviewed critics as well as institutional actors collaborating with the company. In exchange for the possibility to study its internal operations in Zambia, I have guaranteed the European agribusiness anonymity (regarding its name, European country of origin and exact location in Zambia; see for more details Salverda *forthcoming*). Though the agribusiness did not explicitly state that I was only allowed to study parts of its operations, there were certainly limitations. I have, for example, not sat in on board meetings, while they also did not share all relevant information with me. Around the investment, I have also spoken to numerous representatives of the local communities and, in the region's administrative centre, to local political actors. Moreover, I have visited other commercial operations and interviewed many other actors in Zambia, where I conducted research during several intervals since 2013 – in total, I have interviewed about fifty corporate actors, commercial farmers, politicians, employees of national and international governance institutions, and employees of NGOs and other civil society groups in. Notwithstanding the limitations mentioned above, I have the feeling that together these sources provide relevant insights about the extent to which interactions with critics influence the agribusiness's operations.

How the European company relates to its critics cannot be separated from international developments and accordingly this article also discusses interactions between corporations and their critics at the global level. I have interviewed, or spoken to, numerous corporate actors (in)directly involved in agro-extractivism, such as employees from Coca-Cola, Cargill and Nestlé, as well as critics like Oxfam. Partly these were interviews and partly I encountered them at a number of international (investment) events I attended: the 2014 and 2016 annual FAO/CFS meeting in Rome; the 2015 Grow Africa investment forum in Cape Town; and the 2016 AgriQue Africa investment summit in London. These events provided relevant insights about interactions between critics and corporate actors at the international level and the extent to which corporations are sensitive to the concerns raised. Media and

document analyses have further helped to grasp the significance of these interactions.

The extent to which corporations involved in agro-extractivism (or buyers of the produce) react to their critics cannot be separated from the role of critics in market society and/or capitalism more generally, such as, for example, discussed by Polanyi (2001), Boltanski and Chiapello (2005), and Galbraith (2012). Their concepts have particularly emerged from developments in Europe and the US, yet they may equally help to explain developments elsewhere. As Cotula (2013: 1612) actually illustrates the impact of how international investment law is applied by critics in the case of the global land rush can be considered a sign 'that a Polanyian countermovement is underway'. To contextualise the analysis presented in this article, then, I will in the next section briefly discuss the role of critics in market society. The advantage of linking the analysis to concepts such as Polanyi's *countermovement* or Galbraith's *countervailing power*, moreover, is that it allows for grouping critics of a large variety together: local communities bearing the brunt of, for example, large-scale land acquisition (LSLA) (e.g. Abbink 2011; Smalley and Corbera 2012; Hall et al. 2015; Touch and Neef 2015), transnational agrarian movements (McKeon 2013; Edelman and Borrás 2016), international NGOs, human right activists (Künnemann and Monsalve Suarez 2013), activist scholars (Borrás 2016), journalists, and, in a more ambiguous way, also states and multilateral institutions (Wolford et al. 2013; Margulis et al. 2013). What seems to unite these critics is their concerns about the negative impact of current forms of agro-extractivism, though they often differ about the extent to which they reject corporations and/or have at times conflicting interests, mandates and logics. These differences matter a great deal, yet at the same time the development of concerns and the building up of opposition appears often the result of the work of various critics.

After the theoretical discussion, I will analyse the impact of critics on the ground in Zambia. I will show that for various reasons the European agribusiness is vulnerable to concerns raised by its (direct and indirect) critics. To understand this, I will in this section also discuss global developments regarding concerns about agro-extractivism, especially in relation to LSLA as this one of the main concerns in the

case of the European investment in Zambia. This will also help to explain differences and/or similarities between corporate responses. Like the critics, corporations and investors are a mixed group, ranging from well-known corporations like Coca-Cola to more anonymous traders, private equity funds, agribusiness and so forth. A closer look at the logics behind the European company's responses may help us to understand the extent to which differences matter in the interactions with critics and/or a 'need' to react to the critique they face. I will end this article with discussing a number of aspects that may help us to better understand the limits, effects and prospects for change – emerging from criticism.

Theorising critics

With agro-extractivism resonating many of the logics of market expansion more generally, Polanyi's (2001) double-movement helps to interpret the relations between critics and agro-capital. Simultaneously with the expanding market economy there is always a counter-movement aiming to protect society from the proclaimed self-regulation of the market, according to Polanyi (see also Block 2003). Notwithstanding that Polanyi was critical about the success rate of the counter-movement, because he thought it would eventually fail and create chaos, others have shown that it may lead to substantial changes and improvements. In reflection upon developments in social democracies, Sandbrook (2011), for example, illustrates that markets are able to cope with more constraints than Polanyi envisaged. Yet Blyth (2002) illustrates that improvements may also be reversed again. A counter-movement opposing the limits of market society was relatively successful in the US in the first half of the twentieth century. Labour increased its power vis-à-vis capital substantially, though in the face of its diminishing power capital regained the initiative at the expense of labour again in the second part of the twentieth century.

From Galbraith's (2012) analysis of countervailing power it can also be deducted that opposing corporate power is often not a unilinear process and that the extent to which critics succeed also depends on the conditions they face. In his analysis of the American situation in the period just after the Second World War, Galbraith (2012: 136) argues that restraining market power only works when there is a relative scarcity of demand: '[o]nly then is the buyer important to the seller and

this is an obvious prerequisite for his bringing his power to bear on the market power of the seller'. In the case of agro-extractivism and the global commodity chains related to it, the buyer seller relationship may be somewhat different than in Galbraith's analysis. What does, however, emerge from his analysis is that particular (market) conditions may in the case of agro-extractivism also determine the extent to which corporate actors are sensitive to criticism.

The specific contribution of critique (or counter-movements) is according to Boltanski and Chiapello's (2005: 518), '[to make] it possible to link the good fortune of the great men to the misfortune of the little people, and to instil in the former a sense of responsibility for the lot of the less privileged'. However, aims to instil this responsibility – or other ways to mitigate the limits of market practices – have predominantly been analysed within in the bounded geographical spaces of the US and/or Europe. Yet, in addition to Polanyi, Galbraith, and Boltanski and Chiapello, many of the current concerns about capitalism link widely diverse geographies together. Not only do many corporations have operations in distant geographies than where they originate from, such as in the case of the European company investing in Zambia. But apart from local communities and civil society opposing the impact of agro-extractivism in the countries of investment, many critics are equally located in other geographies. Frequently they originate from the same countries as the corporations they oppose and/or have a transnational character.

As Edelman (2005) illustrates in his analysis of transnational peasant movements, conceptual frameworks that may have their origin in bounded geographies, such as Thompson's (1971) moral economy in his case, can also explain current concerns about global capitalism. In that sense, the gist of concepts such as Polanyi's countermovement and Galbraith's countervailing power may help us to emphasise the significance of interactions between different actors operating from various geographical spaces. NGOs and other civil society groups, for example, have a history of targeting multinational corporations over environmental pollution and labour conditions in distant geographies – also witnessed in the extractive industry (e.g. Rajak 2011; Kirsch 2014) and the clothing and garment industry (e.g. Micheletti and Stolle 2007; De Neve 2008). Many concerns nevertheless remain or are not fully responded to, yet it is also not completely a lost cause to oppose corporate

practices. Corporations often oppose critics' demands initially, because they perceive them as external to the economic logics of market relations. Over time, however, they may (partly) adapt, genuinely embrace or appropriate certain concerns (see for corporate responses also Benson and Kirsch 2010).

The counter-movement's impact on the ground

The European land-based investment in Zambia is the result of increasing interest in land and agricultural production in the Global South, particularly fuelled by anxieties over food security and (expected) higher prices for agricultural commodities in the aftermath of the 2008 world food crisis and the 2007/2008 financial crisis. With among others the purchase of around 38,000 hectares of titled land in Zambia, the listed company's intentions are to become a fully integrated agribusiness in sub-Saharan Africa. Yet since the company only started its operations in 2012, it rather resembles recent interest of private equity firms in land and agricultural production (e.g. Daniel 2012; Fairbairn 2014) than economic enterprises with already a very long history in agricultural operations, such as commercial (white) farmers and agribusinesses (e.g. Amanor 2012; Hall 2012).

In response to the investment hype in land and agriculture, the Europeans have from the start faced a global movement concerned about agro-extractivism – and 'land grabbing'. This movement reflects a long history of protests against the unfairness of, and tough labour conditions related to, agro-extractivism. Demands to abolish slavery in the American (ex-)colonies is a prime example of this. Of a more recent date is the fair-trade movement concerned about multinational corporations that were using their power for further enrichment to the detriment of poorer countries and (small) agricultural producers (e.g. Dolan 2007; Haight 2011; Besky 2013). Also, campaigns against deforestation (of tropical rainforest) have a strong link to agro-extractivism in the case of, for example, soybean and palm oil production. These campaigns have certainly helped to create a transnational political debate around palm oil (Pye 2010), mitigate some of the negative impacts (Othman and Ameer 2010; Paoli et al. 2010), and establish the Roundtable on Sustainable

Palm Oil.² At the same time, it is also illustrative of the limits of a counter-movement because deforestation has by no means come to an end.

That 'land politics and agrarian movements have been put back on the agenda...' (Borras 2016: 39) is the result of a counter-movement grouping together a variety of critics. Due to the efforts of NGOs such as Grain, Friends of the Earth, Global Justice Now, and Oxfam, but also peasant movements such as La Via Campesina, land grabbing and food speculation receive substantial international attention. Investors and corporations, accordingly, face pressure and/or have even been prevented to obtain land – due to, for example, the work of the Oakland Institute, a policy think tank very active in the counter-movement against land grab.³ In response to the concerns, moreover, all kinds of codes of conducts, voluntary guidelines, and responsible investment principles aimed to minimise the tensions and negative consequences have been drafted under the auspice of multilateral institutions (Margulis et al. 2013), such as the FAO, the World Bank, and the OECD. Marking the influence of a counter-movement is that in the consultation process of a number of these guidelines critics have been explicitly incorporated. Accordingly, Hall and Scoones argue that, the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), which were endorsed by the FAO's Committee on World Food Security in 2012, 'represent a unique example of collaborative "soft law"'.⁴

Though initially the European company was not directly criticised by the global counter-movement, its approach towards the neighbouring communities has been influenced by the impact of the movement right from the start. My observation is that critics often flag particular concerns, instead of corporations taking the initiative, though it can be a grey area between cause and effect. As I will discuss in more detail below the corporation's operations are certainly informed by concerns about the impact of critics, yet in my interactions with numerous of its international

² <http://www.rspo.org/>

³ http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_map_2013.pdf [accessed 14 March 2016]

⁴ <https://theconversation.com/next-steps-to-strengthen-global-land-governance-58940> [accessed 11 May 2016]

and Zambian employees I also sensed that they genuinely believe that good working relations with the surrounding communities are important – also from a business perspective maintaining good relations with neighbouring communities may make sense. Apart from awareness about the (potential) power of critics, this influenced the handling of a number of resettlement cases.

The titled land the company purchased was not completely uninhabited. On the land, a number of smallholder farmers were residing who did not have title deeds. For the surrounding communities the boundaries between communal and titled land were understandably unclear as there were often no clear demarcations. Much of the titled land, moreover, had been in the hands of absentee landlords or was only partially used. As a result, some members of the neighbouring communities had settled on the land the Europeans eventually purchased. As far as I could oversee the company had handled it relatively carefully, probably because of their own convictions but also to minimise the tension with the local communities and prevent complaints from (international) critics. It has resettled a number of affected families or carved out the small plots of land they already resided on. In either case, the company provided them with the title deeds of the land, which they did not have before. In the case of the resettled families, they also promised to construct brick houses on these plots – when I visited the area, a number of these houses had already been completed or were in the phase of being constructed. Such an approach can to a certain extent be contributed to the influence of a counter-movement, in particular also because the company relied on international guidelines that have been drafted in response to a global counter-movement. Notwithstanding, there remain some worries in the surrounding communities about the impact of (the potential expansion of) the investment. As one of the locals explained, they are still in the first phase of the engagement so they maintain sceptic about whether the Europeans will fulfil their promises.

The European context

Since its operations started, the European company has also been under the direct scrutiny of critics, both locally and internationally. The Zambia Land Alliance (ZLA) has, for example, been critical about foreign land-based investments and conducted

on the ground research around the investment site. Yet so far Zambian government representatives have endorsed the investment rather than openly criticised it. Behind the scenes, the agribusiness nevertheless has to manoeuvre carefully. Not as a response to the impact of critics, however, but rather as a result of the (political) expectations that come with being a foreign investor (see about the difficulties investors may face vis-à-vis the state Li 2015).

More than about the Zambian critics, the agribusiness seems concerned about the influence of the counter-movement in its European home country. In my interactions with its employees as well as with staff members of public institutions in its country of origin, one NGO was particularly mentioned. In reports and in the media, this NGO has openly associated the company with land grabbing. Understandably from their point of view, the company denies the accusations. It argues that it has only purchased titled land and has resettled all the 'squatters' in line with, or even beyond, international guidelines. According to a staff member of the NGO, however, certain cases could be defined as evictions without compensation. This might be the case, yet all I can state is that I did not receive information about this during my interactions with the surrounding communities – neither have other researchers with also a longer on the ground presence than the NGO confirmed these accusations. Major conflicts associated with land grabbing seem to have been avoided so far.

Of relevance in understanding agro-extractivism and its counter-movement, is that the accusations are also a matter of definition. According to the NGO land grabbing is equally about the concentration of large tracts of land in the hands of a few, because it potentially limits the land available for the most vulnerable actors, the rural populations – and even more symbolic in case the investor is a foreign entity. The NGOs main aim is to defend the right to food and since a large land-based investment may limit local populations access to land for the production of food it is of lesser concern whether the land is titled or not. Accordingly, as I understood from the NGO, it would be virtually impossible to support even the most ethically operating large agribusiness. Even in the case a corporation operates as ethical as possible, there would still be structural issues to address – e.g. the unequal ownership of land. The NGO certainly has a point here, yet at the same time such a

stance may obscure that, as I observed, locals have also supported the arrival of the company since it provides employment and a market in an area which there was previously very little of. In other words, as some most active scholars in the debate have argued: '[land deals] are not *necessarily* "win-win" nor do they *necessarily* entail dispossession and deceit' (Wolford et al. 2013: 207). Notwithstanding the support of numerous members of the surrounding communities, however, it is too early to assess whether the company improves their lives in a structural way. Like many others involved in large-scale land acquisitions in the Global South (Nolte et al. 2016), the company has not been in operations long enough to draw any strong conclusions about its structural impact yet.

What the accusations of the NGO particularly point out is the extent to which the European country of origin matters. It is argued that corporations and investors operating from, or in relation to, Western countries are most receptive to the concerns critics raise (e.g. Rutten et al. 2015). This may be the case, yet examples such as a Thai investor in Laos (Dwyer 2013) or a planned but cancelled Chinese investment in Sierra Leone (Hall et al. 2016: 18) illustrates that others are equally susceptible to opposition. In the case of the European agribusiness, a staff member of the investor's respective European embassy in Zambia told me that he had to convince the ministries back home of, what he believed, the investor's genuine approach. Ministries were initially siding with the NGO, he said, and he had to write numerous memos to convince them that the situation was different than what the NGO argued. Yet he also acknowledged that it might be good that the agribusiness feels that it is being watched. It keeps the company on its guard, so to say. In that sense, whether one shares the accusations or not, with its vocal and critical stance the NGO contributes to empowering the counter-movement. This resonates with Scoones et al. (2013: 478) response to Edelman (2013) and Oya's (2013) comments that methodological rigor serves the causes of critics better than relying on problematic evidence:

At the same time, we must be cognizant of the way in which debates in the fast-moving, real world are actually shaped. The contributions of GRAIN, the Land Matrix and others, despite their limitations, have been substantial and

important. Rough-and-ready, quick-and-dirty work of this sort is, under certain conditions, necessary.

It may not always to the liking of corporate actors, such as illustrates by European banker active in agriculture in Africa who angrily said, 'foreign investments are much needed ... NGO reports are often riddled with falsehoods, which is very dangerous ... I have examples of investors who withdrew, because they don't want to be accused.' He argued to be in favour of critical attention and a neutral analysis of the land-grabbing phenomenon, but unfounded criticism from NGOs scares away the 'good' ones. In a rather racist fashion, he said, '[t]he result is that only unsavoury investors remain, such as Arabs and Chinese who don't care too much [about the social and environmental impact]... We need decent companies to invest in Africa'.⁵ It should certainly not be ignored that critics do not always base their accusations on empirically sound evidence, yet without the (media) attention generated by critics relying on strong statements it would have been unlikely that the private sector felt the same urgency to respond to its critics. Oxfam would probably have had less leverage in pressing Coca-Cola Company, PepsiCo and Illovo Sugar to take up their responsibility would it not have been for the rough-and-ready work as well.⁶ The European agribusiness in Zambia, as a result, is clearly aware that it is vulnerable in the face of criticism, whether this on empirical grounds or not. Since they want to avoid negative publicity, the potential of being criticised influences their practices positively – at least, to a certain extent.

Reputation

⁵ Notwithstanding his rather racist arguments, the respective banker did, unfortunately, not want to supply information about the 'honest' investors that apparently withdrew as a result of the potential to feel unfairly criticised. This would have offered a perfect opportunity to assess whether certain investors are reluctant to invest in agriculture in Africa as a consequence of the 'land grab' discourse.

⁶ In similar vein, the 1999 WTO protests in Seattle were important because with the world's mainstream media giving the protestors extensive coverage the issues raised became known around the world. Bendell (2004: 14) refers to this as 'forcing change' tactics: civil society provokes responses from companies, in particular out of concern of their reputation.

Apart from the benefits of good relations with neighbouring communities, that the European agribusiness responds to concerns raised by its critics relates to the fact that it 'needs' to maintain a good reputation. Hence, in reflection on Boltanski and Chiapello (2005), the influence of critique is not only about instilling a sense of responsibility but also about corporate fears over reputation – in a nuance of Galbraith's observation, it gives the 'buyer' (or counter-movement) power over the seller because the latter fears its reputation. In the case of the Europeans, negative publicity, on the one hand, may impact on the potential to satisfy investors and/or attract new ones. On the other hand, the company collaborates with institutional actors and donors, particularly in its home country. The company does not receive direct financial support, but instead receives, for example, financial support for the training of smallholders the company works with in its outgrowers schemes. Indirectly this nevertheless benefits the company – like in the case of many other (Western) corporations collaborating with development institutions. The extent to which a development agenda with the explicit incorporation of the private sector creates unequal advantages for the agribusiness (and other companies eligible for donor support) is worth analysing. But unfortunately the space here is too limited to provide a detailed analysis. What matters for now is that the company's wish to collaborate with institutional donors gives the counter-movement some leverage. Since many institutional actors equally face pressure, they are sensitive to the reputation of the corporations in collaborates with – at least, to a certain extent.

Telling of how the awareness of a counter-movement shapes the company's operations is the planned expansion of its farm operations. The 38,000 hectares of land are divided into different blocks of which only two have so far been developed. For the future development of the other blocks, the agribusiness hopes to attract additional investors. When I studied the aerial pictures of these blocks in the farm offices, I noticed that many smallholders reside in a block that is upcoming for development – one could easily identify small carved out plots. To develop it, the company will need to resettle much larger numbers than what they have done before. To obtain an understanding of the significance of future resettlement schemes, I asked the Zambian sustainable development manager how many locals exactly live in the block. Yet he evaded my question. The next day, I said to him that

he did not have to answer my question since not answering it was already very informative, i.e. it indicated that even though the company claims to be open, for whatever reason it is not open about sharing the information in this case. He said he could not provide me with the numbers because this had so far only been communicated internally. Not, it seemed, because they were planning to secretly evict the inhabitants of the land, but rather because they were still thinking about how to best 'sell' the block to potential investors. Would there be too many resettlement cases, potential investors might be scared away to co-invest in the block's development. Instead, they were thinking of reshaping the respective farming block so they could present a block with fewer inhabitants to potential investors. As a result of the influence of the global counter-movement, it seems that in this case the numbers determine whether one can be considered a 'land grabber' or not: a few resettlements can probably be sold to an investor, since it presents an image as if not many smallholders are affected by the investment, yet when the number increases the investors may fear being accused of land grabbing. That the risk is real shows the example of the Vanderbilt University's endowment fund. It withdrew from an investment fund active in sub-Saharan Africa after the fund had been accused of land grabbing.⁷

As other cases equally illustrate, the impact of the counter-movement relates to a large extent to corporate fears over reputational damage. Yet in the case of Coca-Cola and other food and beverage multinationals their concerns are more about consumer boycotts than about investors. In confronting these companies, the counter-movement has recently been offered an additional tool. Owing to the UN Guiding Principles on Business and Human Rights, which do not target agro-extractivism only, these corporations can be held responsible for the labour conditions and land rights in their supply chains – even when they do not 'grab' the land or violate other human rights themselves. This is a change from the past, when critics could mainly pressure corporations over the negative consequences of their direct activities, such as discrimination on the work floor, direct environmental

⁷ <http://www.oaklandinstitute.org/vanderbilt-university-divests-land-grab-africa> [accessed 13 April 2016]

impact, and internal labour conditions. In similar vein as a previous Oxfam campaign targeting the French bank BNP Paribas over its involvement in agricultural and food investments,⁸ then, Oxfam could with the help of the guiding principles criticise Coca-Cola, PepsiCo and British Associated Food over the negative consequences of sugarcane production. For a company like Coca-Cola, such a confrontation with critics is not completely new. In response to its critics, moreover, it changed some of its practices (Foster 2008). It also learned along the way, because from opposing and denying the allegations first, the company opened up to input from stakeholders such as NGOs and trade organisations. Its relatively open response to Oxfam's campaign about land grabbing equally illustrates this. When Oxfam confronted Coca-Cola with its role in land-grab it may have taken the company by surprise, one of its managers told me. Yet concerns about accusations of human rights violations as well as having learned from previous engagement with critics, contributed to the fact that Coca-Cola reacted relatively quickly and 'vowed' that it would ban land grabbing in its supply chain.

Limitations

Despite that a (global) counter-movement has more influence than is often acknowledged, it is hard to ignore the continuing negative impacts of agro-extractivism. Also in the case of Coca-Cola banning land grab proved to be a challenge. It by no means fully prevents land grabbing in its supply chain,⁹ while equally concerns remain about related issues such as water grabbing.¹⁰ As another manager of Coca-Cola said, 'it is very very difficult to have complete control over the chain.' Now he has had some tough conversations with suppliers, because 'not every company and geography knows about the UN guiding principles on human rights'. This could be considered the evasion of responsibilities, yet even in the case of good

⁸ *BNP Paribas loses appetite for food* (Financial Times, 17 February 2013)

⁹ <http://www.reuters.com/article/us-landgrab-coke-idUSKBN0ML0LE20150325> [accessed 12 October 2016]

¹⁰

http://www.theecologist.org/News/news_analysis/2248001/india_cocacola_eviction_from_landgrab_site_imminent.html [accessed 12 October 2016]

intentions a multinational corporation is probably too large and too powerful to avoid disputes. The question is how to deal with these and as such it is striking that when I probed the manager whether it would not be better for Coca-Cola to lobby for the implementation of hard laws instead of voluntary principles the answer remained vague. Since voluntary guidelines are in the end of the day not legally binding, however (e.g. Borrás and Franco 2010), corporations seem to resist laws as long as possible – though it also remains open for discussion to what extent laws really secure the rights of the most vulnerable (e.g. Carter and Harding 2015). Besides, guidelines and laws are always a compromise. Accordingly, in international negotiations radical views are often disciplined in order to maintain access to the private sector, with radical action being discouraged and certain views purposely left out (Corson et al. 2015: 867-868). When critics remain too critical in the eye of the corporate interests, they are easily dismissed as being unfairly critical, difficult and not cooperative – to the extent that they are portrayed as being against something mundane as the air we breathe or society itself (Brooks 2010: 613). Indeed, the manager of Coca-Cola said that they work with NGOs who are ‘prepared to engage, and not just stand on the side-line and throw bombs’. For the critics who engage with corporations, however, this also entails a risk. They can be drawn into a collaboration dominated by corporate power, whereby corporate activities are whitewashed as a result of the participation of civil society (see also Foster 2008: 168). To avoid this, the critical NGO mentioned above would never collaborate with corporations. It may engage with them, yet only with the explicit confirmation that they can use what is being discussed. Its staff member was then also highly critical of a Zambian NGO that is about to initiate a collaborative project with the European agribusiness. According to him, this may hamper the NGOs potential to criticise the company.

One of the main limitations, moreover, is that only part of the actors and investors involved seem to be sensitive to critics. Brand-facing companies, private equity funds relying on attracting investors and university endowments may to some extent be sensitive to the concerns raised. Yet there are many actors involved in agro-extractivism who are largely unknown to the public, less sensitive to pressure and/or operate below the radar – from prime agricultural producers to (anonymous)

traders and middlemen. Like the European case in Zambia illustrates, then, corporations and investors' backgrounds determine the extent to which they are vulnerable to the pressure from a counter-movement. With institutional actors in the country of origin and investors sensitive to the work of the counter-movement, the power of the latter certainly increases. Yet whether the more unscrupulous ones are, as many Western (corporate) actors eagerly told me, mainly of non-Western origins is probably an argument that puts them in a better moral light than seems to be justified by the realities on the ground.

Discussion

As this article illustrates, a counter-movement of critics concerned about agro-extractivism has achieved some successes. Critics have managed to put issues such as 'land grab' on the agenda, contributed to the development of all kinds of guidelines aimed at mitigating the negative impact, and (indirectly) pushed corporations to change their practices on the ground, such as demonstrated in the Zambian case. In the theory, however, this appears to be obscured. For the right reasons, critics such as NGOs, journalists and activist scholars focus on the continuing problems, yet along the way they may 'forget' to investigate cases that may help us understand how corporate actors respond to criticism. Cases, moreover, that may provide insights about how corporate actors and others involved could be pressured to also address the many challenges that remain.

Notwithstanding the very valid concerns about the voluntary character of many of the guidelines and principles (see also UNDP 1999: 100) it should not be ignored that they are not necessarily without any impact. The Zambian case study illustrates that even when guidelines are not enforceable by law, corporations may rely on them in their interactions with local communities. They can to a certain extent also be held accountable by a counter-movement once they have committed to these guidelines. As such, a public commitment linking with reputation may help to maintain the pressure (see also Coombs and Halladay 2015: 93). Besides, when guidelines are included in contracts they can be made enforceable by contract law (Bendell 2004: 43). In the case of corporations obtaining support and financing from (inter)national donors, such as the World Bank's IFC, the EU, USAID, and

development financial institutions, they then have act in line with the guidelines. As the synthesis report on civil society experiences regarding use and implementation of the tenure guidelines presented at the 2016 FAO/CFS illustrates, moreover, some governments have used the VGGT as guidance for their land policies and (enforceable) laws. To what extent it exactly leads to changes on the ground, however, needs further investigation:

Much work is being done ‘under the radar’ by activists, policy-makers, researchers and others to promote the VGGT but, in the absence of specific formal and donor-funded programmes, or promotion through reports, websites or social media, these efforts to use the VGGT to bring about change go largely unrecorded. (Hall et al. 2016: 16)

Combining information about what changes and what does not – and why – may offer critics additional ammunition in the aim to rebalance the power and benefits between corporations and rural populations.

Interactions

It might be good to realise that interactions with the private sector are ‘neither pure free-market rationality nor more open democracy but a negotiated rationality based on local and global economic and social relations’ (Partridge 2011: 99). The interactions are by no means a unilinear process, as can also be deduced from the works of Blyth (2002), Boltanski and Chiapello (2005) and Galbraith (2012). In the analysis of these interactions, we should on the one hand be open to the possibility that (some) corporate actors may come to embrace certain of the concerns raised – as I also witnessed in Zambia. Even when this probably still has its origins in public opposition against certain corporate practices and fears over reputational damage, since including external concerns tends not to be initiated by the private sector itself, this offers some hope for meaningful change. After all, companies want to make a profit and there are many different ways to accomplish this.

On the other hand, the position of many rural populations continues to be dire. It appears often a hard task to convince corporate actors and state actors

supporting them to really transform. Too often corporate responses are nothing more than white washing. Besides, corporate responsibility will only succeed with an integrated approach and stop, for example, certain departments from harmful lobbying while others aim to implement more responsible principles (Bendell 2004: 49; see also Zadek 2004). Without a radical transformation of these structures and making social and environmental concerns explicitly part of staff assessments, long-term change will probably be limited. Maintaining pressure, in other words, is of central importance. But what are clever strategies that may pressure corporate actors to align their business models with aims to come to universally better conditions?

One of the main disputes among critics constituting the counter-movement is probably the extent to which they are open to engagement with corporations. In the defence of smallholders, there are sound arguments to remain sceptical about any engagement with agro-extractivism. To mitigate the negative impacts, however, others consider collaboration with corporations the way forward. It is unlikely that multinational corporations involved in agro-extractivism are to disappear any time soon, so there is an argument to make to try to at least mitigate the negative impacts. The ones who engage, such as for example Oxfam, may argue that with the help of UN Guiding Principles of Business and Human Rights concerns about 'land grab' are now considered a concern higher up in the supply chain.¹¹ As such, the hope is probably that the continuing problems with, for example, Coca-Cola will eventually be mitigated. A staff member of Oxfam said, 'the implementation side of concerns about land is pretty new for [these] companies'. In the process the role of NGOs has changed as well. As she acknowledged, collaborations between companies with (large) NGOs is new, with the latter taking a dual approach of engaging with companies while at the same time applying public pressure. For the pressure to succeed in any meaningful way, however, the determination of critics that oppose agro-extractivism completely is needed. Only then do corporate actors probably feel

¹¹ In a plea for collaboration with the private sector, the head of the NGO Save the Children UK recently argued that when NGOs stay politically correct, i.e. refrain from engagement, they will not have an impact (The Guardian, 28 July 2015).

the need to address certain concerns. Quick-and-dirty research and outspoken campaigns, in other words, may help to reinforce the position of the ones open to engage with corporate actors. Concerns about negative publicity may keep the pressure on the lid, both regarding unresolved concerns and ‘for ensuring that [... guidelines and] regulations are actually observed’ (Mayer and Gereffi 2010: 11). In that sense, it is not either or: approaches of different critics are not mutually exclusive and may to a certain extent reinforce each other (see also Edelman and Borras 2016).¹² Hence, it may be helpful to realise that within a counter-movement different critics may in their own ways all contribute to reinforcing the power of the movement.

To assess the contributions of the different critics, it is equally of relevance to investigate what kinds of strategies, be it campaigns, harm or engagement, work or do not work. Successful campaigns are often a combination between local opposition and international actors, such as NGOs (e.g. Keck and Sikkink 1998). Like in the Zambian case, a counter-movement with an international component and/or able to pressure the corporate actor in its home country has probably more success. Yet how to pressure actors that, for various reasons, face less pressure in their countries of origin? In these cases, it is probably important to empower and support local opposition. Moreover, single issues, such ‘land grab’ and child labour (Michelletti and Stolle 2007: 172), may be more effective. The human rights agenda is also a powerful tool. Conversely, it may be more difficult to pressure large food and beverage corporations with a more multi-interpretable agenda about agro-extractivism. That said, Borras (2016: 22) is probably right that change can ‘only amount to something long-lasting and truly strategic if food sovereignty and food sovereignty movements themselves are in turn embedded in a broader socialist alternative movement and vision’. In line with this, it needs to be addressed that like in Zambian case most actors involved in large-scale land deals are foreigners (Nolte

¹² It is to note that civil society organisations accused of quick-and-dirty work are not necessarily deaf to the need for sound empirical evidence. For them it is often as much a learning process as for others. For example, the Land Matrix has been open to concerns about flaws in its methodology and has adapted it accordingly (Nolte et al. 2016; personal communication with one of the founding members of the Land Matrix).

et al. 2016). Most profits accordingly end up abroad instead of that they come to the benefit of local populations. This may not be reversed easily, as it most certainly is a more complex issue to address than the already difficult to solve issue of LSLA. Pressure nevertheless may have to start from a high ground, not the least because the ones most affected in the case of LSLA most likely continue to suffer without a wider push for transformation. But critics should at the same time be realistic that what may be accomplished is a form of consensus that does not reflect the initial goals. Yet that may nevertheless be better due to their efforts.

State assistance

One of the main limitations of counter-movements is undoubtedly state repression. In the Zambian case, civil society has so far been able to operate relatively freely. But many other states may crack down on critics because they fear a decline in foreign direct investment (FDI) when the corporate sector is 'scared away'. Hall et al. (2016, 11) correctly point out, '[i]f the VGGT are to influence national policies, especially in countries where political economy dynamics mean governments do not take the initiative, then there needs to be massive expansion of community mobilisation to take up the VGGT.' Yet how to change notoriously oppressing states such as Ethiopia? Journalists, like in the previously mentioned *Financial Times* investigation, may publicise how (corrupt) state actors facilitate land grab, but whether this really leads to change is debateable – we will have to wait and see what the longer impact of latest wave of unrest in the country will be. Especially when donors and/or private sector initiatives like Grow Africa are not consistent and continue to offer a platform to these states, notwithstanding that they at the same time promote guidelines that aim to stop the practices these states are actively involved in.

But also in the friendliest conditions, civil society is confronted with limitations. They are faced with a development agenda that considers the private sector as indispensable. In certain instances, access to markets may certainly have its benefits, yet a fairer distribution of gains is hardly ever part of the discussion. In the case of the European investment in Zambia, for example, governance institutions collaborating with the company do not demand any redistribution in return – improvements always have to come from better inputs, increasing yields, etc.

instead of better prices. Critics also have too little resources to monitor whether all corporations follow the details of the guidelines and laws. In the case of the critical NGO, for example, it had to choose which corporations to follow in a recent visit to Zambia. The European agribusiness discussed in this article was left aside, despite that the NGO had visited the area before. The reason was that choices had to be made and other cases demanded more urgency. In the case of the European agribusiness pressure probably remains. There is always the potential that the NGOs revisits the area in the future, while also the 'monitoring' by a number of researchers, including me, furthers the awareness that the company is being watched.

Apart from the limited means to follow all investments, civil society is also in need of state institutions because there remain too many actors who are not susceptible to criticism. The counter-movement may be relatively successful in pressuring the European investment, due to its background and origin. Yet many involved in agro-extractivism continue to operate below the radar. Notwithstanding that states are often a hurdle to come to more equitable outcomes, with their control over national legislation and law enforcement, they are also the only ones who can hold actors accountable across the board. Litigation can be applied to push corporations, and even entire industries, to transform (Kirsch 2014: 122). Yet this requires enforcement, and good enforcement is not a given. Formal rules are often poorly implemented and enforced, which gives investors, local authorities and national authorities an incentive to skip official procedure (Nolte and Vãth 2015: 82). As Orock (2013) argues, a lack of enforcement may actually be a driving-force behind the appetite many transnational corporations have for Africa: they more easily get away with certain practices than in the Global North. Notwithstanding some hope emerging from the observations that counter-movements have more power than often assumed, then, we also have to be realistic that without the cooperation of state institutions the potential for change will always remain limited.

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**Agro-extractivism inside and
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