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The drama of the grabbed commons: anti-politics machine and local responses

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ABSTRACT
This article explores the nexus between old and new commons, anti-politics, and Corporate Social Responsibility measures in the context of on-going land grabbing. Detailed case studies in Ghana, Malawi, Morocco, and Tanzania show that powerful discourses of development, women's empowerment, and wasteland productivity increase serve as anti-politics machines that hide the fact that winners are few and losers many. Despite differential bargaining power mediated by class, age, lineage, or gender, some actors manage to take advantage of the situation: contrary to the often used tragedy metaphor, we argue that we are faced with an open-ended 'drama of the commons' which is still unfolding.

KEYWORDS
Corporate social responsibility (CSR); anti-politics machine; commons grabbing; large-scale land acquisition; new commons

1. Introduction

In the current debates about Large-Scale Land Acquisitions (LSLA), the promise of material benefits through integration in global markets (paid employment), expanding formal state institutions (e.g. land titling schemes), as well as compensation measures accompanying investment – including voluntary Corporate Social Responsibility (CSR) initiatives – hides that LSLA are not always the win-win-win undertakings (for the business, the customer, and those in need) depicted by prevalent neoliberal development discourses (Fairhead, Leach, and Scoones 2012).

We use James Ferguson's *Anti-Politics Machine* to critically interrogate the development discourses that are being used to promote LSLA as well as hide asymmetric power relations as the main reasons behind problems of development (Ferguson 1994, 2006). We argue that the discourses promoting LSLA for their expected economic, social, and environmental benefits, linked in part with redistributive CSR measures, tend to hide the political reality behind these large-scale investments. Following Lasswell's (1936) central question – who gets what and when? – we untangled the political implications of LSLA and ask: How do developmental discourses associated with LSLA shape and legitimate the (re)distribution of rights to the land and related resources? This main research question can be divided into three subquestions: (1) how does LSLA lead to the dissolution of existing common property institutions, recognizing that many dimensions of power

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operate in an investment project, including gender, migration background, social status, age, and lineage? (2) How is compensation organized? More specifically: do the advantages of the new business arrangement (e.g. new jobs) and the new commons created by CSR measures outweigh the loss of old commons? (3) Faced with powerful anti-politics machines and great outcome complexity, how do local people react to these processes of commons grabbing (agency)? This provides more detailed insights into the issue of local resistance, acquiescence, or incorporation (Hall, Scoones, and Tsikata 2015) in heterogeneous local settings.

To answer these questions, we combine approaches of New Institutionalism in social anthropology (Ensminger 1992; Haller 2013) and a Neo-Marxist inspired Political ecology (Blaikie and Brookfield 1989; Robbins 2004). The political ecology perspective makes it possible to complement the new institutionalist approach with an analysis of power (Paulson 2003; Swyngedouw 2009; Fabinyi, Evans, and Foale 2014; Svarstad, Benjaminsen, and Overå 2018; Haller 2019b). Combining these two approaches brings together essential variables needed to capture the political dimensions of LSLA: new institutionalism with its strong structural analysis of use and access rights to resources, institutional change leading to problems of resource distribution and the interrelation between external market forces and local bargaining power relations; and political ecology with its focus on different modes of power relations at all levels of interaction.

This combination of approaches allows a fresh look at the unprecedented land rush that takes place in the world, as international investors and national elites are acquiring large tracts of land in poorer countries (Borras et al. 2011; de Schutter 2011). Following the food, energy, and financial crises, land represents a safe asset for financial speculators, multinational corporations, and local business people alike (McMichael 2012, 690). A large number of academic and policy publications have dealt with the size of the current land rush, the motivations of the involved actors, and the impacts these land deals have on local populations (Oya 2013). Borras and Franco (2013, 1725) define land grabbing as

> the capturing of control of relatively vast tracts of land and other natural resources through a variety of mechanisms and forms, carried out through extra-economic coercion that involves large-scale capital, which often shifts resource use orientation into extraction, whether for international or domestic purposes.

There is much controversy about the scale of the phenomenon (Cotula 2013; Oya 2013). This is not only due to fragmentary data, but also to the volatile nature of such investments: 'The land rush is a fluid, fast-evolving arena where deals are signed, abandoned, redesigned or transferred at a speed that makes it difficult for inventory exercises to keep track of them' (Cotula 2013, 49).

Early writing about land grabbing was concerned with the drivers (Franco et al. 2010; Zoomers 2010; de Schutter 2011; Cotula 2012; McMichael 2012), quantification issues (Oxfam 2011; Edelman, Oya, and Borras 2013; Oya 2013; Locher and Sulle 2014), and the historical understanding of the recent wave of LSLA as embedded in a long-term process (Alden Wily 2011, 2012; Cotula 2013; Edelman, Oya, and Borras 2013; Peters 2013). The colonial period considerably influenced the way large-scale investments take place today on the African continent (Alden Wily 2011; Cotula 2013) because large tracts of land were declared to be vacant by colonial governments and put under the legal responsibility of the state. Simultaneously, the power of colonially introduced chiefs was strengthened (Haller et al. 2013; Lanz, Gerber, and Haller 2018). Africa's role as raw material provider also goes back to the colonial period.

In policy circles, LSLA for agricultural production continues to be promoted to enhance agricultural productivity, food security, energy sovereignty, or market competitiveness (GTZ 2009; Mann and Smaller 2010), while reducing public spending of nation states (Poulton et al. 2008; von Braun and Meinzen-Dick 2009). Contrary to the ambitious goals to solve rural poverty through employment and integration of small farmers into global value chains (Kolk and Van Tulder 2006; World Bank 2008; Deininger 2011), growing case study evidence has progressively demonstrated the negative impacts of such investments (see for example Vermeulen and Cotula 2010; German, Schoneveld, and Gumbo 2011; Murray Li 2011; Julia and White 2012; Cotula 2013; Tsikata and Yaro 2014; Bottazzi, Goguen, and Rist 2016; Marfurt, Käser, and Lustenberger 2016; Elmhirst et al. 2017; Nyantaki-Frimpong and Bezner-Kerr 2017; Schoneveld 2017; Lanz, Gerber, and Haller 2018). One central issue is the titling of land which leads to the disappearance of collectively used resources, a process referred to as 'commons-grabbing' (Haller et al. 2013, 2016; Dell'Angelo et al. 2017; Adams et al. 2018).

An important point here is that common property enables access for members of a community to critical resources; this is not the case anymore when land becomes privatized, as processes of accumulation by dispossession (Harvey 2005) lead to the individualization of land rights leading to the exclusion of many former users. In development projects, a new dimension has become more important that builds on the positive ethos of commons: commons have become a discourse intended to indicate the integration in new development projects of different criticisms formulated against exclusion and privatization. New commons are created in order to compensate for the disappearance of existing commons taking place through 'development'. This is where anti-politics comes into play. We use this concept in an adapted way in the sense that we do not focus on a single development project such as was proposed by Ferguson in his original writings, but on a portfolio of different development approaches that characterize recent efforts that pride themselves on having integrated development critiques. Even if LSLA are based on a core intervention that is in many ways similar to classical modernization projects, they are implemented together with accompanying measures, in particular CSR measures, which are supposed to be gender sensitive, participatory, or even sustainable (Eabrasu 2012). These seemingly redistributive measures hide the politics of enclosure and accumulation by dispossession that are linked with the core intervention itself – the conversion of land to commercial agriculture – and participate in legitimizing the neoliberal order of which LSLA are a direct manifestation. They are therefore a key mechanism of the new governmentalities that are needed to back these projects up in front of the local population affected by them.

In international development discourses, besides market-integration and paid jobs, large-scale investments are expected to lead to the conversion of some kinds of resources (e.g. land, water, biodiversity, wind) into others (e.g. high-value crops, monetary resources, or infrastructures). While some commons disappear (e.g. pastures, forests, hunting, or fishing grounds), others appear as outputs of the LSLA or are created through accompanying CSR measures or similar (e.g. common infrastructure, irrigation channels, special community funds, classrooms, or dispensaries). A discourse of modernity is often used to smoothen the conversion: the disappearance of commons is presented as a necessary step toward modernity or development.

While much research has focused on the disappearing commons, this article aims to open the discussion on the new commons and on their contribution to the livelihood of villages affected by large-scale investments. An optimistic view would be that the negative impacts of LSLA on the local population can be attenuated if these investments lead to the creation of new forms of commons. But, as we will see, our empirical evidence shows that, while some actors manage to find out how to play the game and benefit from the new resources, many have no access to them, while simultaneously losing use rights to the original ones. This often leads to reactions (weapons of the weak, different forms of resistance, or social organizing) by those who are excluded to obtain a better recognition of their rights. This makes it hazardous to formulate a definitive statement about LSLA. Echoing Hardin (1968), who argues that commons always tend to go downhill until complete destruction of the resource, Dell'Angelo et al. (2017) also believe to detect a *tragedy* in LSLA. In our article, we depict a process that looks more like an open-ended *drama* which is still unfolding. We expect women, as well as marginalized groups, to lose access to commons crucial to family livelihood, while at the same time being excluded from the benefits provided by new commons. But the anti-politics machine is at work: influential development discourses accompany LSLA and contribute to make such investments palatable to the local population.

2. Theory: old vs. new commons

2.1. The privatization of the 'old' commons

Commons can be used as a heuristic and conceptual frame for the analysis of institutional arrangements regulating resource uses (Bromley 1992). Commons – or common-pool resources (CPR) – refer to resources, whose uses are competitive (e.g. fish, firewood), but whose intrinsic characteristics make it difficult to exclude potential new claimants (e.g. pastures, irrigation water) (Ostrom 1990). Through the specific rules that they imply, commons produce a particular form of resource governance: a group of individuals jointly uses a resource – therefore excluding non-members – and crafts institutions guaranteeing the long-term perpetuation of the resource. In the debate between Hardin (1968) and Ostrom (1990) regarding the 'tragedy of the commons' versus the 'sustainability of the commons', Ostrom showed that communities are often precisely able to deal with the open-access situations condemned by Hardin and draft robust institutions for the management of these critical resources through communication and coordination, but also exclusion of potential claimants (1990). However, the resulting institutional arrangement is subject to transformation if the conditions of the resource evolve over time (Ensminger 1992; Haller 2010), but also as a result of power relations between members, through which powerful actors can select and justify the selection of the institutional setting. From a broader historical perspective, commons stand as the opposite of enclosures (Marx 1859; Polanyi 1957). However, commons are not simply the opposite of private property. They are made of a combination of use rights that are linked to livelihoods in complex environments, including multiple access rules based on seasonality and reciprocity to enhance resilience (Netting 1981; Haller 2010).

Large-scale land investments drastically increase the speed at which a market for land rights develops in southern economies. Land titling is the typical process through which the privatization of customary or state land – the two most usual legal forms of commons – takes place. In the name of agricultural and economic efficiency, access to land becomes restricted to those users who obtain the exclusive title. While the perception of large amounts of unused land being available for cultivation is widespread (particularly in the African context – see for example Deininger 2011), these are usually used by people as commons, which according to evidence from different contexts often offer important resources to local people's livelihoods with women in particular often relying heavily on these resources, e.g. for fisheries, collecting fuel wood, wildlife, water and various food stuffs (Haller 2010; Alden Wily 2011; Schoneveld, German, and Nutakor 2011; Lanz, Gerber, and Haller 2018).

Beginning in colonial times, a general institutional shift in land ownership can be observed from common to state and then to private property – or de facto open access if exclusivity of use is not enforced (Haller 2010). The enclosure of the commons during this historical process is legitimated through a discourse presenting this land as 'unused' land or 'wasteland'. This process – referred to by some researchers as 'commons grabbing' (Haller et al. 2013; Dell'Angelo et al. 2017) – has a profound impact on the governance of land and related CPRs. Use rights, that need to be activated on a regular basis to be socially acknowledged and perpetuated, are replaced by exclusive property rights, which convert land into a commodity (Gerber and Gerber 2017). The privatization of land in village communities opens the door to mortgages and more generally to the commercialization of credit provision which was regulated by relations of reciprocity within extended families (Gerber 2014). Increased dependency of smallholders also takes place through the growing need to purchase food for self-consumption (as a consequence of declining self-subsistence production), as well as the requirement to acquire fertilizer and pesticide inputs for commercial export agriculture (Adams et al. 2018).

Land titling has differential impact on local populations. Local elites often have the necessary political resources to position themselves as winners of the game. For instance, in Ghana, customary chiefs were often able to change their role from custodians of the land to owners of the land through the various land reforms that followed structural adjustment programs (Lanz, Gerber, and Haller 2018). Changes in property rights lead to an increased legal pluralism in which different actors with different bargaining power select and activate legal norms according to their specific interests (Haller, Acciaioli, and Rist 2016; Haller 2019a). While some local users manage to take advantage of LSLA, many former commoners lose their customary use rights, a process that disproportionally affects women. In the pre-colonial system women had access rights to land through their fathers and husbands for cultivation; in addition, they could use CPRs such as water, wood, veldt products, etc. (Federici 2004; Lanz 2014). The lack of decent employment opportunities and gender-biased agricultural wage labor in plantations tends to reinforce gendered divisions of labor through the exploitation of women's 'reproductive' care work and non-wage agricultural work, as also outlined by feminist social anthropological studies (Meillassoux 1982; Chu 2011).

Land is not the only CPR affected by the current wave of privatization. The systemic changes related to the reproduction of capital are currently generating a new 'great transformation' – which might be even more pervasive than the first round described by Polanyi (1957) – resulting in a new wave of commodification of land and nature, labor and social relations, reciprocity and other means of exchange, and traditional and scientific knowledge, which all share evident commons dimensions. This leads to what Ensminger (1992) calls 'changes in relative prices' of land, but also of whole areas which then attract further interests (Haller 2013, 2019b).

2.2. CSR measures and the creation of new commons

Corporate Social Responsibility (CSR) is often described as a nebulous idea (Davis 1960). It puts forward a sense of responsibility that private companies should have towards the ecological and social environment in which they operate. This entails waste and pollution reduction (environmental dimension), contribution to educational and social programs (social dimension), and earning adequate returns on the employed resources (economic dimension) (Business dictionary n.d.). Therefore, CSR promotes the notion of companies sacrificing (part of their) profit (McWilliams and Siegel 2001; Reinhardt, Stavins, and Vietor 2008) to take into account the social costs that they generate (Daly and Cobb 1989). This 'ethical turn' of capitalism tends to blur the boundaries between moral and market forms of exchange through the embedding of ethics within commercial rationalities (Dolan and Rajak 2016). In this article, we enquire into this new morality of the firm and point out where contradictions arise.

From a legal perspective, CSR entails an appeal to the private sector for going beyond compliance to existing formal rules and regulations (Zerk 2006). Because this view suspects private companies will only target the minimum legal standards, it opens questions both on the efficacy and legitimacy of CSR. Some authors question the efficacy of measures based on self-organization and denounce CSR as a corporate image concern staged by marketing departments – a practice known as 'greenwashing' (Greer and Bruno 1996). CSR also raises issues of legitimacy, especially in contexts where the state might not be in a leverage position to constrain private power (Tallontire 2007). If CSR represents a form of soft law regulation – based on self-regulation of the private sector – that aims to complement self-determined 'gaps' in hard law, what is the democratic legitimacy of this form of regulation? CSR is a form of private politics (Soule 2009) that is spreading rapidly around the globe (Levy and Kaplan 2008), increasingly playing the role of a form of transnational governance. CSR coordinates self-regulation and progressively emerges as a global business norm (Djelic and Sahlin-Andersson 2006; Muhle 2011). 'Over the past decade CSR has shown itself to be particularly adaptable, encompassing (and mainstreaming) movements that often start out as alternative or even oppositional to the corporate world' (Dolan and Rajak 2016).

The proclaimed 'win-win' outcomes of CSR need to be confronted with empirical research. Do these new forms of control and discipline challenge power inequalities, or do they contribute to the reproduction of existing patterns of inequality, perpetuating prevailing schemes of inclusion and exclusion? Dolan and Rajak (2016) hypothesize that 'rather than reframing business interests to reflect social imperatives or community needs, CSR can have a counter effect: reframing the interests of communities and government to fit the priorities of corporations' (5). CSR measures are implemented in a variety of settings; untangling all the expectations, ambiguities, and contradictions still needs to be done.

To contribute to this objective, this article proposes to analyze CSR measures as commons, interrogating central dimensions, such as inclusion or exclusion, use rivalry, long- or short-temporality, decision-making, etc. Considering that commons are defined by two main characteristics – difficulty to exclude claimants and competition among users – it appears that many compensation measures provided through CSR can be analyzed through the conceptual lens of the commons (e.g. community fund, school, irrigation infrastructure, etc.). Even for the CSR measures that do not perfectly match the definition of commons (e.g. open-access infrastructure), the commons literature helps by raising important questions concerning the management responsibilities of these resources and their long-term dimension.

Because the creation of new commons is linked with many uncertainties, it remains unclear whether the outcomes will be positive or not. The promise of inclusion for some regularly comes at the cost of marginalization, precariousness, or disempowerment for others. Therefore, powerful discourses need to compensate for the only sure thing that is undisputable: the disappearance of the old commons.

2.3. Antipolitics

Exploring how the 'development discourse' works, Ferguson (1994, 2006) analyzed the practices and the language used by development actors based on his research in Lesotho to highlight not only the ways in which development as a practice is performed and delivered, but also to identify the unintended consequences of development. Ferguson calls development in Lesotho an 'anti-politics machine', because it is framed as a set of problem-oriented, technical measures, thereby hiding the power-specific context of the country and leading to depoliticizing issues which are utterly political, such as resource allocation and increased centralization of state control of the local level. In addition, labeling countries in the Global South as needing development to alleviate poverty is part of an anti-politics machine that hides dependencies and past and present processes of exploitation. Furthermore, although presented as technical solutions to technical problems, many development measures (e.g. market introduction, land titling, 'improved' breeds, or cash crop promotion) directly impact the distribution of access rights to resources. Development projects might also renounce addressing distributive justice issues because export-oriented economic actors may benefit from the precarious situation of the local population (e.g. readily available pool of cheap labor) and thus from the political control of value chains which are detrimental to local users. The implementation of development initiatives mostly depends on local governments. Therefore, development measures tend to avoid challenging the nature of government. The supplied resources therefore frequently serve the state more than local needs. Through discursive maneuvers, development actors can redefine failures as successes, which in turn are used to model new projects. This lack of critical appraisal is one potential factor explaining the wave of LSLA worldwide. Therefore, non-economic functions of development lead to a double outcome: the de-politicization of questions of resource allocation and the strengthening of bureaucratic power (Haller 2019b).

The concept of the anti-politics machine can be used in connection with LSLA because powerful rhetoric oils the wheels of such investments which directly impacts use rights to resources. To legitimate the loss of commons, the investor and the state activate different repertoires. The anti-politics machine is often used jointly by governments, transnational companies, or allied political parties and elites to formulate discourses of development and modernization, hiding the political process of appropriation of land and other common resources. Similarly, the disproportionate impact on women and marginal groups is blurred by discourses of (gender) equality and development (Peters 2004).

While marginalized groups lose access to common land and natural resources, local elites who managed to accumulate wealth through investments have more options. The anti-politics conditions of agrarian change are not just passively endured by local actors: resistance strategies ranging from everyday resistance (see Scott's 'weapons of the weak', 1987) to organized collective action, challenge the (mis)use of land, natural resources, and human labor associated with the reproduction of a capitalist mode of food production. In this article, we thus do not speak of the 'tragedy' but of the 'drama' of the grabbed commons as the anti-politics process gives rise to various forms of agency (Hall, Scoones, and Tsikata 2015; Haller 2019a).

2.4. Working hypothesis

The promotion of agro-industrial food systems by corporate actors who work in alliance with state actors and local elites acts as a backdrop for our research. These actions systematically draw on concepts of agrarian modernization (through free trade), gender mainstreaming, or sustainable intensification to legitimize their actions. We analyze how these neoliberal development initiatives not only lead to a redefinition of use rights to resources, but also to the disappearance of some resources and to the creation of others. We formulated the broad research hypotheses that this profound institutional change, leading to a reshuffling of the cards with few winners and many losers, can only be imposed because of the powerful anti-politics machine of agrarian development discourses. CSR measures are essential wheels keeping this complex machine in working order because they are the tangible manifestation of the discourses; they are the much-expected compensation for the loss of commons; they materialize the promise of modernization. Therefore, a careful study at the nexus between old and new commons, anti-politics, and CSR measures appears to be topical to understand current agrarian changes under large-scale investments.

3. Study design and methods

This article presents the main results of a 4-year research project involving four PhD theses relying on extended field research in four different countries. The comparative ethnographic analysis of four LSLA in Ghana (rice plantation), Malawi (sugar cane out-grower scheme), Morocco (one of the world's largest solar energy projects) and Tanzania (forestry plantation) focuses on a diversity of prominent and well-established cases, which guarantees that mechanisms at play will be more easily identifiable as is recommended by case study researchers (Yin 2009). The four countries – which have followed different strategies to create a climate favorable to LSLA – were selected in order to cover four subregions of Africa. Through this comparative approach, despite historical and socio-political differences, we improve our chance to identify archetypical mechanisms with broader social and political relevance.

Close collaboration and constant exchanges among PhD students guaranteed that the core empirical material collected in the four theses remained comparable. Following our neo-institutionalist analytical lens, the four PhD theses implied close analysis and documentation of the following main variables (Gerber et al. 2020): (1) relevant 'natural' resources (i.e. land and land-related resources), (2) actors, including state officials, investors and local community members, both men and women (within households), keeping in mind that communities are not only stratified according to gender, but also class, age, lineage, or migration background, and (3) institutions, both formal and informal, regulating access to resources. This common analytical framework provided the backbone on which more inductive lines of questionings could be explored, but without preventing comparative analysis among different settings and contexts.

The data were drawn from various sources based on a mixed-method approach used in Social anthropology and Human geography: participant observation; expert interviews; farmer interviews; focus group discussions; general literature on the case; legal materials such as contracts, laws and regulations; household questionnaires; and value chain analysis. The impacts of LSLA on the stratified population of local villages were analyzed, actors' strategies were identified, and relevant institutions – the formal and informal 'rules of the game' – impacting resource uses were highlighted. This provides the context of the reconstruction of the discourses accompanying the implementation of LSLA projects (through literature and interview material coding and analysis).

4. Case studies

The presentation of the case studies is organized as follows: history of the case and institutional context; presentation of the main actors (investing companies, local users); description of the outcomes of land and CPR enclosures and compensation, including CSR measures; and analysis of the local responses to the investment. A comparative analysis will be presented in the discussion section (see also Table 1).

4.1. The GADCO investment in Ghana's Volta region

Ghana's current agricultural policy creates a favorable investment climate leading to about a 90% rise in LSLA in the last decade (Amanor 2009; Schoneveld, German, and Nutakor 2011). The majority of these deals were negotiated directly by the investors with traditional or customary authorities such as chiefs, who often bypass local state authorities (Lanz, Gerber, and Haller 2018). While the land ultimately belongs to the state, most people in Ghana obtain land access via chieftaincy, lineage, and kinship, based on narratives of ancestry that continuously reestablish the primordial rights of the groups related to the first settlers on the land (Lenz 2006). The chiefs, earth priests, or family heads are said to hold the allodial rights over the land, whereas all members of the group enjoy usufruct rights (Kasanga and Kotey 2001). This resembles common property institutions in precolonial times, in which leaders and religious office holders acted as coordinators and managers of land and land-related resources, which were transformed to state property with indirect rule rights in colonial times and late postcolonial times. Since the 1990s, and increasingly in the 2000s, formal institutions and clearly demarcated individual land rights are demanded by investors in order to guarantee security.

Table 1. Comparison of the four case study highlighting the enclosed old commons, the new commons created, the discourses used to legitimize the changes and the winners and losers.

Enclosed 'old' commons	'New' commons and other compensations	Legitimation of commons conversion and investment (antipolitics)	Local responses by winners / losers
West Africa – Ghana: GADCO (GB, Nigeria, India), rice plantation, 2500 ha (granted on a 50-year lease)			
Loss of access to land, including pasture and fish ponds through transfer of property (long-term leases)	CSR: community development fund financed by a percentage of the yearly profit made by the investor. Jobs: Only few jobs created. Outgrower schemes are mostly beneficial to relatives of the customary elites. Others: After harvest, rice picking is allowed by the investor, which helps making ends meet in some families.	Discourses of the investors and local authorities promise modernity and development, as well as gender-awareness. Discourses of development mixed with reference to tradition used by investors and local authorities.	Winners: Redistribution in favor of the investor and traditional authorities. CSR fund used by customary elites. By becoming direct partners of investors, traditional authorities reinforce the shift toward their (new) role as 'landowners'. Losers: The loss of CPRs with little or no compensation leads to higher work load for many women. Wide range of reactions such as gossip, civil disobedience, threats and isolated violent action (weapons of the weak). More and more open challenging of local chiefs in public meetings; attempt to destool some chiefs; some formal legal actions were also initiated.
Southern Africa – Malawi: Illovo (UK, SA), Dwangwa plantation, sugar cane production, 15670 ha (Illovo Estate + outgrower schemes)			
Loss of access to land, including related commons through formalization of customary rights (privatization in favor of the land trust). In the land used for contract farming, individualization of land rights leading to the exclusion of many users. Progressive abandonment of matrilineal inheritance system.	CSR: Community boreholes, access to medical support (clinics) provided to Illovo employees, donation of food (maize) in situations of drought, and furniture for local schools. According to Illovo, the outgrower scheme itself is a form of CSR. Fairtrade premiums are used for rural electrification and infrastructure. Jobs: Illovo is the largest employer of the country. However farmers complain about the low number of jobs available to them.	General discourse of economic development. Discourse in favor of market integration promising high cash-returns (and corresponding attributes of success).	Winners: As monopolist, Illovo decides unilaterally on the distribution of proceeds in cane production. Redistribution in favor of the investor, traditional authorities, and some farmers involved in contract farming. Some individuals, including women, were able to make use of new business environment. Losers: (All) farmers losing customary rights to the land; farmers excluded from contract farming. Increasing awareness of biased distribution of proceeds along the value chain. Narratives of price and weight manipulations more widespread among farmers.

(*Continued*)

Table 1. Continued.

Enclosed 'old' commons	'New' commons and other compensations	Legitimation of commons conversion and investment (antipolitics)	Local responses by winners / losers
North Africa – Morocco: MASEN (Morocco), solar energy production, 3000 ha			
Loss of access to land and corresponding pastures through enclosures and conversion of clan land to state and then private land.	CSR: MASEN offered a total of 36 CSR projects related to development of agriculture, handicraft and social projects. Jobs: Few employment options for villagers. Other: Compensation money administrated by the state and inaccessible to many. Amount of compensation for the sale of clan land decided on a unilateral basis (land assessed as unused).	Discourse of participatory, green and gender-sensitive wasteland development. Role of the king as popular and powerful figure supporting the investment.	Winners: Redistribution in favor of the investor and local elites. Specialized jobs for workers from outside the area. Losers: Loss of access to food and cash for some women and pastoralists. CSR measures not well adapted to the need of the villagers. Resignation, but gossip and complains about modest job creation and lack of access to CSR measures (weapons of the weak). No political action because of strong social control within the villages by authorities (e.g. moqqadem).
East Africa – Tanzania: New Forest Company (GB, SA), forest plantations, >6300 ha (on a 99-year lease)			
Direct loss of access to land, including forest, water, veld products (long-term leases). Indirect loss of access to fertile valley bottoms through a strict activation of environmental law by investor (fire and water protection).	CSR: CSR measures smaller than expected, minimal infrastructure development. Jobs: few job created.	Discourse of development of remote area, job creation and infrastructure expansion. Support of the state who accepts to grant long-term leases on village land.	Winners: Redistribution of resources and CPR in favor of the investor. Losers: Minor or one-off compensation to many users. Many sellers realized the consequence of selling their land only after the one-off compensation was spent. Many women appear most affected by loss of land or access to veldt products for cash. Low level of response (gossip, civil disobedience, attempts for court cases) and no political action. Local elites are able to silence losers.

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

The Fievie Traditional Area, which covers about 160 km^2, is inhabited by four clans of the Fieve agriculturalists who use the waters in the area for fisheries and pastures together with neighboring groups of pastoralists. The traditional area is headed by a Paramount Chief, his Stoolfather, a Paramount Queen Mother, and the four clan heads. Both the Paramount Chief and the Stoolfather are highly educated lawyers who do not reside in the local area, but in Accra, 110 km away. Before the land deal, large tracts of land within the Fievie Traditional Area were used under a common property regime.

The GADCO was interested in the land for large-scale rice production and initially only contacted the Paramount Chief of the Fievie Traditional Area to acquire land. Neither government representatives nor family heads were included in the negotiations concerning over 2000 ha of land to be leased for 50 years to the GADCO. In addition, an outgrower scheme was established and the signed agreement was labeled to be a 'community-private partnership' agreement, outlining that 2.5% of the company's sales revenue would be paid to a 'community development fund' administered by the Customary Land Secretariat (up to $50.000 per year). The contract was signed at the District Assembly in the presence of the chiefs, elders, and government officials. Many of the family heads, whose lands were included in the deal, were not part of the negotiations. Notions of development and modernity were evoked to highlight the benefits of the investment to the community. References to 'tradition', as an important bonding mechanism, were combined with appeals to people's aspirations for 'development' by chiefs eager to get their decisions legitimized by the community.

The enclosure of large areas of communal land restricted access to several CPR vital for local livelihoods, such as pasture, water, and land for traditional shifting agriculture and gardening. The destruction of several water ponds used for human and animal consumption, as well as the spraying of pesticides have especially affected the cattle-rearing communities living on these communal lands (Lanz, Prügl, and Gerber 2019). The loss of the fish ponds also led to lowering the level of nutrition and to loss of cash income for women, who traded fish (Lanz, Prügl, and Gerber 2019). Due to the agricultural intensification, most trees, used by local women for fuelwood and to produce charcoal for sale, were uprooted. As a result, marginalized people and women not stemming from elite families lost the use of the commons for cash generation, and their ability to be resilient in times of crisis was reduced. Only a few casual and low-paid jobs were created by the company and participation in the outgrower scheme was dependent on personal connection with local customary elites. The only access to a new resource was the possibility for women to pick rice after harvests to make a small income; this could not compensate the losses from the grabbed commons (Lanz, Prügl, and Gerber 2019).

There was a common feeling of being cheated, voiced especially by the youth, as most people did not know where the money paid to the chiefs went. The GADCO did not question the use of money and described the customary authorities as 'business partners', who are used as an interface between them and the local community. Of the 30 households questioned about compensation for farmland, the majority did not receive any payments. Compensation was only paid to families linked to the Fieve chiefs.

4.2 The Ilovo outgrower scheme in Malawi's Dwangwa area

In the Dwangwa area of the Nkhotakota District of Central Malawi, sugarcane and tobacco plantations were established in early postcolonial times, when all lands were placed under the control of the President, indicating a shift from common to state property. Precolonial traditional institutions were based on kinship relations, making inheritance and marriage a key mechanism for access to land common to a lineage and clan. The people of the area are predominantly matrilineal Chewa and land transfers are still based on matrilineal rules of inheritance: men who are engaged in outgrower schemes have inherited land from their mothers.

One of the main reasons leading to the creation of the outgrowing schemes was the complaint of the communities affected by the investment about the insufficient quantity and quality of jobs – despite the fact that Illovo is the largest private employer nationwide. With the recent cane expansion, land became scarce, leading to an increase in the value of land. Traditional authorities (TAs) remain of central importance in land governance issues; they successfully combine the customary principles of land governance (stemming from colonial times) with modern aspects of production under outgrower schemes. The Dwangwa Cane Growers Trust (DCGT) and Dwangwa Cane Growers Limited (DCGL), since their establishment in 1999, have assumed a facilitating role for sugarcane expansion (Adams et al. 2018). DCGT converts the smallholders' land into Trust land; through this formalization, smallholders lose their customary use rights to the land. DCGT received government and donor financial support (e.g. EU, AfDB) for expanding the outgrower scheme, in which smallholders would grow the cane and supply it to the South-African-based, Associated British Foods sugar company, Illovo Sugar Limited.

The development of commercial agriculture has a direct impact on CPRs. The main consequence is that the land of outgrowing schemes is no longer a commons of the matrilineage because it becomes property of DCGT (Adams, Gerber, and Amacker 2019). If individual farmers resist, DCGT directly contacts the TAs, which complies with commercial farming requirements under the argument that the TAs are the traditional owners and that land must be put to development for the benefit of the entire community. Because sugarcane cultivation requires specific technical requirements for commercial production, such as irrigation, small plots have to be pooled into larger ones. In Dwangwa, the dominant practice is that the smallholders' land is pooled into blocks of 40 ha and registered under titles held by the DCGT on behalf of the farmers (Chinsinga 2017). Only one farmer, often selected by TAs, receives the five-year license to grow sugar cane. Other former commoners, as well as women, are left out and dispossessed (Adams et al. 2018).

Relying on a discourse of individuality and entrepreneurial decision-making, the company introduces new labor relations (wage labor) and creates dependencies and disparities between the farmers through differentiation – a process which was buffered in the former system based on common lineage property. Increased monetization of production and exchange relations takes place at the expense of reciprocal relations (mutual help, reciprocity rules, exchanges, etc.). The outgrowers face high cash demands within their communities, as they are seen as the ones providing cash for larger groups (Adams et al. 2018).

Because Illovo does not contract directly with outgrowers but with DCGL, which plays the role of a mediator, the smallholders do not have the ability or power to discuss with the miller the terms of the contract, which entails a strict division of proceeds, allowing the miller to retain 40% of the total profit derived from the cane supplied by the outgrowers without justification on cost of milling (Adams et al. 2018). The exploitation of outgrowers is tempered by a set of CSR measures. Outgrowers and their community benefit from Illovo's general CSR program (community boreholes, access to medical support (clinics) provided to Illovo employees, donation of food (maize) in situations of drought, and furniture for local schools). Illovo presents the outgrower scheme itself as a form of CSR. The sugar produced in the scheme is labeled under a Fairtrade program. The premiums are used for rural electrification and the construction of bridges. This is also presented as a form of CSR by Illovo although the premium is generated independently by the Fairtrade label.

Farmers reproduce the discourse of development – basically increased cash income to cope with cash expenditures (traditional and modern) – but also bring in arguments that they are more prosperous than before and better-off than their neighbors. Interestingly, more and more outgrower farmers seem to understand the dividing and unfair process taking place. Under the guidance of a civil society organization, the NGO Concern universal (now: United Purpose), this has led to intensive debates within and among the outgrowers who have organized themselves to fight for institutional change in the outgrower scheme and for production arrangements towards fairer distribution of the gains (Chinsinga 2017).

4.3. MASEN's parastatal solar power plant in Ouarzazate, Morocco

Noor Ouarzazate is the largest solar project in the world. It spans an area of 3000 ha situated in the semi-arid Anti-Atlas. The parastatal company Moroccan Agency for Sustainable Energy (MASEN) runs the project with financial and technological support from the European Union (EU). Since the times of the French Protectorate, the area has experienced several land investments such as the construction of dams. The land developed by MASEN was held in common property by the Berber subclan Aït Ougrour (part of the Imghrane clan). Village councils of the elders are the ruling body. Local institutions regulated access to wet season pasture and fodder. The common property arrangements were particularly important for marginalized groups and women as well as for herders from neighboring communities with whom the local groups have reciprocal arrangements on resource use (Ryser 2019).

The appropriation of land was organized as follows: as land in common property cannot be sold directly, common land of five local groups was expropriated by the state's energy company (Office National de l'Électricité et de l'Eau potable), which then transferred the land to MASEN. The leaders of five village communities were invited to sign the contract. The price fixed by the state was based on the argument that it was fair appraisal for a desert wasteland. However, some local leaders demanded a price ten times higher. In the end, only the leaders of three villages signed the contract. The other two felt that they lacked the knowledge about potential implications of the sale. Herders bore the direct cost of the enclosure, in particular goat breeders. Keeping goats is the economic domain of women. The animals are sold in local markets for relatively high prices because of the special taste of their meat due to the herbs they consume. Neither the women nor the pastoral groups who used the pastures seasonally took part in the sale arrangement (Ryser 2019).

The state and MASEN justified their investment through green development discourses that included sustainable energy development, creation of jobs, activities in cooperatives, health and sanitation, education, and new infrastructure that would be brought to the area. The proceeds from the land sale did not go to the communities directly, but to a state-controlled fund managed by the Directorate of Rural Affairs. The communities were told that they could submit projects to the Directorate in order to obtain funding. However, many people were not informed about the procedure to follow. Thus, many villagers felt that funding was not accessible (Ryser 2019).

The promised jobs in MASEN's solar project were few and mostly occupied by outsiders. But MASEN set up a series of projects according to its CSR policies. These included, for example, the provision of sanitary infrastructure such as a mobile hospital stationed for two days a year in the principal village of Ghessate, school buses, dormitories for girls, stables for sheep and goats, welding courses, sponsorship of a local marathon, vacation for children, and allocation of funds for NGOs that support rural agricultural development. The state's and the company's discourse of gender-sensitive development did not materialize since the conception of CSR projects did not include women in a participatory way, leading to measures that in fact perpetuate gender stereotypes. Among the 38 CSR projects developed for the local population, many provided training for men only. For instance, the welding courses were available only to men. Women are limited to gender-biased types of training such as traditional handicraft. There were no local discussions on the type of training women should receive or on the form of training they would benefit from most. Therefore, the benefits of the project were mostly not accessible to local villagers, and definitely not to women and marginalized groups.

The MASEN case shows the importance of power discourses supporting the implementation of the project. As such, these discourses in favor of clean, environmentally-friendly and gender-sensitive development – accompanied by corresponding CSR measures – generate commonly accepted knowledge, which is not confronted with the consequences of the investment on the ground. These discourses, which often also refer to the King of Morocco, a popular and uncontested figure, are extremely powerful because they contribute to making the positive nature of these investment outcomes self-evident. Therefore, it took a long time for villagers to realize that the 'new commons' created by MASEN do not replace the loss of the old commons and lead to a shrinkage of options available to women and more marginalized groups, while local elites are the primary beneficiaries.

4.4. The New Forest Company's pine plantation in Tanzania's Kilolo district

Like many other developing countries, Tanzania attracts land investors from all over the world, especially since the mid-1980s, when it turned the page on nearly 20 years of socialism. In order to actively promote foreign investors, the government of Tanzania establishment the National Land Bank as the main state organization aiming to facilitate land acquisition by foreign investors. Responding to the new pro-investment environment, the New Forest Company (NFC) acquired land from nine villages of the Wahehe ethnic group in the Kilolo district, Iringa region, in the Southern Highlands of Tanzania. In 2009, the NFC, a UK and South African company, established six plantations and three pole plants in Uganda, Tanzania, Rwanda, and Mozambique, and a head office in Johannesburg.

Kilolo is a very hilly district. Cultivation is practiced in valley bottoms known as vinyungu (a Kihehe word for valley and/or garden) in the dry season, and in uphill slope farms during the rainy season. The vinyungu are more productive as they are permeated by different sizes of streams and the fertile soils are not flushed out like those on the hills. Between agricultural plots, there are often small areas of communal forest producing non-timber forest products.

By early 2013, NFC had acquired land from seven villages and was looking for more in an attempt to consolidate the pieces of land (Locher and Müller-Böker 2014). While in the first round of acquisitions in 2009 the investor mainly targeted village land reserves, since 2013, it has started to look for individual farmers willing to sell family- or individually-owned land. NFC acquired lease rights for 99 years from villagers that usually had a Customary Right of Occupancy. The acquired land can be located either uphill or in valley bottoms.

The case study reveals that, in several cases, the clan or family heads sold the land without involving the rest of the clan. With the investor's arrival, land prices increased and different people claimed rights to the same plots of land because they saw an opportunity to make a profit. There were also conflicts within families, with some members claiming the land to be unused in order to sell it, while others, very often women, opposed the sale. Brothers legitimated the sale by denying the customary right of Wahehe and Wabena daughters to inherit land from their fathers (Gmür 2019). In many cases people were just told to accept the compensation and leave their plots. The investor largely legitimized its acquisitions by putting forward the Land Act of 1999 and the Village Land Act of 1999, which, even though they respect customary land rights, stipulate that all land in Tanzania is public and vested in the president who has the final decision power (Nelson, Sulle, and Lekaita 2012).

In order to evict farmers from their fields in the fertile valley bottoms, the investor strategically activated Article 34 of the Water Resources Management Act of 2009 which prohibits human activities near water resources. Technically, the plots of land still belong to the villagers, but de facto the investor took control over them without compensation, arguing that farming was illegal in these locations. The investor also used the environmental discourse to argue that the water source needed to be protected (Gmür 2019).

With the benefit of hindsight, many of those who sold their land to NFC regret their decisions saying that they were not aware of the drawbacks of losing their land (subsistence agriculture, reserve in case of hardship, extra money to pay school fees, etc.). They also realized too late that the amount they received is very little in comparison to the steady flow of income they could get through their land. NFC paid an average of 100'000 Tsh per acre in compensation (∼45 USD). This is very little in comparison to the income generated by women in the vinyungus. For example, two acres of land produce three bags of beans, which are sold at 300'000 Tsh per season. Many people started to brew beer with the remaining maize because selling beer generates a better income than selling maize or flour. Women were especially concerned about losing fruit trees for themselves and their family. Loss of access to land-related CPRs also impacted access to grasses for thatching houses (Gmür 2019).

Contrary to the promises, jobs are very few, provide work only on a short-term basis, and are badly paid. The investor claims on its website that corporate social responsibility (CSR) is a fundamental aspect of their business model, mainly as a strategy to reduce risks because forest plantations are very vulnerable due to fire or illegal harvesting. Besides one-shot compensation for the sale of land, villagers have little benefit from the commercial tree plantation. The 'new commons' created by the LSLA are mainly CSR or community development projects, including beehive projects, and infrastructure investment, such as school buildings, dispensaries, and roads. However, access to these new commons is limited, especially for women. Furthermore, people are disappointed as infrastructure development is slow and on a smaller scale than expected. The taxes and lease fees paid by the company to the district do not materialize into tangible assets for the people.

Despite general dissatisfaction, there is very little public reaction against the company, just some gossip and acts of limited civil disobedience, illustrated for example by continuing cultivation of valley-bottom plots. The case study reveals no collective action against the investors.

5. Discussion

This discussion aims to give a qualitative comparative analysis of the four cases related to the three subquestions regarding the dissolution of the commons, the compensations in the form of CSR, the Anti-Politics and local reactions. Table 1 provides a comparative overview of the cases.

5.1. The dissolution of commons (subquestion 1)

In this article, we analyze the dissolution of existing commons through LSLA and the simultaneous creation of a new business arrangement (including new jobs) and compensation schemes, the advantages of which are supposed to outweigh the loss of the old commons. In all four cases, the privatization of land led to the disappearance of land-related CPRs or access to the CPRs. The users of these commons, often women or poorer people, were deprived access to important resources and lost an essential component of their livelihood. In all cases, new jobs were few, infrastructure development was quite minimal, and CSR measures were rarely adequate. In other words, the new commons did not meet the expectations of the users of old commons. They did not replace the loss of the old commons but even undermined existing food sources and cash incomes. In the four case studies, in the beginning, not only local elites, but most people said they were open to the investment considering that promises of modernization raised great expectations among the population. However, the gap between the promises made by the investors and the reality was sometimes very large. Negotiations were never inclusive, as local elites played the role of on-field intermediaries between the investor and the local population and were instrumental in shaping the deal in such a way that they would benefit the most from it. For example, in Ghana, GADCO found it convenient to deal with few local representatives and considered the distribution issue to be the sole responsibility of the village communities (plantation manager, interview 06.07.2016). For the local elites, whose livelihood does not depend on existing commons, land investments are a direct source of potential benefit. They appear to be the real winners of the land deal business, as they are able to speak the language – and play by the rules – of both the investors and the local population (Lanz, Gerber, and Haller 2018).

5.2. Compensation and anti-politics (subquestion 2)

In the current debates on LSLA, the reinforcement of state institutions through land titling or implementation of formal laws (at the expense of customary arrangements) and the boom of voluntary CSR initiatives hide the fact that there are no win-win solutions. Quite the opposite is true: win-lose solutions are justified through the powerful ideologies of economic development. The outcomes of LSLA are also connected with the business arrangement itself, not only with CSR measures (Hall, Scoones, and Tsikata 2017). But our findings show that new commons created by CSR measures often serve as Anti-Politics Machines (Ferguson 1994, 2006): they hide the fact that the continuous supply of food or cash obtained from 'old' commons has much greater value for the community as a whole than the combined effect of few jobs, CSR measures or other compensations. Indeed, compensation payments for the land itself are often too low and therefore fail to take into account the value of CPRs related to land. Case studies also reveal that compensation tends to be a single one-off payment, while commons used to provide renewed flows of benefit. The Ghanaian case is an exception, because compensation takes place through a fund established through yearly contributions of the investor. However, this new commons is not accessible to the most disadvantaged people, such as it was the case with 'old' commons. All in all the new commons do not properly compensate for the loss of the old ones because access to CSR schemes is extremely unequally distributed with often only elites (including elite women) benefiting from the schemes. Therefore, CSR measures can even increase local inequalities, i.e. reinforce poverty among poorer actors and strengthen rich and powerful ones. This is partly due to the fact that not all actors are involved in the deals or included in the compensation schemes (women, especially, are often left out). There are no real participatory processes in defining the kind of CSR measures needed locally.

The state, the investor, and the local elite often work hand in hand to promote the investment. In most cases, they do not even have to quell any revolt because local reactions are quite limited. The powerful discourses that accompany these large-scale investments present the acquisitions as unquestioned conditions for proper development. The proposed path toward development becomes self-evident and therefore not open to critiques or even discussions. The obvious redistributions of access rights to resources (institution shopping) that take place through this process are hardly questioned because they belong to the 'natural' steps toward development. Therefore, under the promise of development, a large number of people are deprived of access to land and commons; at the same time local to global elites are increasingly interested in assuring high returns of invested capital.

5.3. Local reactions (subquestion 3)

Our results show that these anti-politics machines are starting to be well understood on the local level and lead to different forms of reactions from below. It is therefore premature to argue in favor of a 'tragedy of the grabbed commons', as the drama is still unfolding; there is a range of reactions, which partially resonate with Hall, Scoones, and Tsikata (2015). The reactions range from the use of 'weapons of the weak' (Scott 1987) with little formalized response and resistance (see Tanzania) to a growing unease leading to qualifying statements (language of the stolen commons in Morocco), up to public confrontation with elites and violent resistance (rebellion of the youth groups in Ghana), as well as self-organization and filing of court cases (Ghana, Malawi). The community as a whole does not react uniformly to the grabbed commons. The form of the reactions depends on the duration of the investment and perceived losses or benefits. It also depends on the bargaining power of local actor groups and their ability to generate collective action. In given situations, it appears that politics is getting the upper hand on anti-politics machines at the local level. Hall, Scoones, and Tsikata (2015) emphasize that local reactions range from resistance to acquiescence and incorporation. We would argue that in our case studies, incorporation and acquiescence is driven by powerful anti-politics machines, mainly through CSR measures, but that in specific cases, despite asymmetric power distribution mediated by class, age, lineage, gender, or migration background, the negative impacts of commons grabbing becomes visible and prompts a shift into politics, which range from low level of responses (weapons of the weak) to stronger attempts towards political or even legal action challenging elites (Table 1).

6. Conclusion

Our analysis relied on a combination of New Institutionalism – in particular its social anthropological variant – and political ecology to analyze redistribution processes associated with LSLA. Our results show the great heuristic potential of such a conceptual approach: the institutions – the rules of the game – regulating resource uses, such as studied by New Institutionalism, always emerge in a given historical, socioeconomic and political-legal context, which is shaped by the power relations that political ecology aims to identify. However, the redistribution processes taking place in LSLA between actors competing for access to resources – and the corresponding winners and losers – are covered up by discourses serving as powerful Anti-Politics Machines, thereby concealing the relentless processes of accumulation by dispossession at work.

The case studies provide detailed information about the discourses mobilized by the neoliberal state, the investors, or the local elites. All of them contribute to hide the political nature, the increased state control, or the asymmetric power relations characteristic of LSLA. The following discourses appeared to play a prominent role: LSLA and related CSR bringing development, gender development, women empowerment, wasteland not being productively used, secured livelihood through wage labor, small-farmer entrepreneurship leading to (global) market integration, food security through commercial agriculture, economic development through land titling, or the benevolent market exchange. These findings confirm the expectations formulated in our working hypothesis, but an additional discourse – perfectly mastered by local customary elites – appears to play a central role as well: the discourse of tradition. This discourse helps to legitimate decision-making processes that are anything but transparent, naturalizing inequalities and making their perpetuation seem self-evident.

Our research also reveals the opposing nature of old and new commons. The former are obviously contingent on a given historical setting; to some extent they are the legacy of colonialism which contributed to shape customary law as we know it today, but they are above all the result of the coevolution of communities with their direct, always changing environment. The latter proceed from a different logic: CSR measures may truly benefit some community members, in particular local elites as our case studies have shown, but nonetheless reflect the central paradox of an ideology that supports the social responsibility of investors while simultaneously disparaging all attempts to formally oblige companies to provide compensation and to entitle affected individuals to receive this compensation (Dolan and Rajak 2016), bearing in mind that compensation can only be perceived as fair if decision processes are inclusive. This relates not only to the first part of Lasswell's question – who gets what and when? – addressing the scope of the beneficiaries, but also to the second part referring to the temporality of compensation. No one-shot payment or measure can compensate for the loss of a commons, which provides security because it implies a long-term relationship between a community and its environment.

New commons which could pretend to compete with old ones would have to be created differently; they should reflect the people's will to convert old ones to new ones, they should be democratically organized, and they should correspond to people's need, with a special consideration for those who were most dependent on old commons, i.e. women, the poor, or migrants. As hinted in our case studies, the role of civil society organs and political transformation currently underway in Africa can play a central role in shaping these new commons as outcomes of LSLA. The conversion from old to new commons cannot be considered a tragedy. It is rather a drama with open outcomes as local actors start to realize the anti-politics nature of the discourses accompanying LSLAs and the ineffectiveness of CSR measures, and start to react.

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