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Abstract

In a context in which the convergence of food, financial, energy and climate crisis converted land grabbing into a global phenomenon, Argentina began to undertake decisive actions to pass a legislation for regulating foreign land acquisitions. Nevertheless, the initiative coincided with the efforts of several provincial governments to attract land investments.

The purpose of this paper is analyze the agrifood agreement signed for the province of Rio Negro with the Chinese stated-owned company Heilongjiang Beidahuang State Farms Business Trade Group Co. Ltd as an expression of land grabbing in Argentina.

The assumption underlying this work is that national legislative initiatives for regulating foreign land acquisitions are not sufficient to prevent land grabbing situations, as a result of the specific characteristics of the phenomena.

With that aim, the article starts with an analysis of the agreement, the actors involved and the negotiation process. This will be followed by an enquiry about the compatibility of the agreement with national and provincial laws on this matter. Subsequently, will be describe the social reactions to the agreements. The final section examines the effects of social reactions and laws in the development of the agreement.

Keywords: Land grabbing-regulation-Rio Negro-China Agreement-social resistance

El acaparamiento de tierras y la regulación de la propiedad extranjera de la tierra en Argentina. Estudio de caso del Convenio Agroalimentario entre la provincia de Río Negro y China.

Resumen:

En un contexto en el que la convergencia de las crisis alimentaria, financiera, energética y climática a nivel internacional convirtieron al acaparamiento de tierras en un fenómeno global, en Argentina comenzaron a realizarse acciones decididas para aprobar una legislación para regular la adquisición de tierras por extranjeros. No obstante, esa iniciativa nacional coincidió con el esfuerzo por parte de distintos gobiernos provinciales para atraer inversiones en tierras.

El objetivo de este trabajo es analizar el acuerdo agroalimentario suscripto por la provincia de Río Negro con la empresa estatal de China Heilongjiang Beidahuang State Farms Business Trade Group Co. Ltd como expresión del acaparamiento de tierras en Argentina.
El supuesto que subyace a este artículo es que las iniciativas legislativas nacionales para regular la adquisición de tierras por extranjeros no son suficientes para prevenir situaciones de acaparamiento de tierras, dadas las características específicas del fenómeno.

Con ese fin, tras analizar las cláusulas que componen el acuerdo, los actores involucrados y el proceso de negociación del mismo, se indagará en la compatibilidad del acuerdo con otras leyes nacionales y provinciales en la materia. Posteriormente, se describirán las repercusiones sociales en torno a las implicaciones políticas y ambientales del acuerdo. Finalmente, se evaluará la incidencia de las reacciones sociales y de las medidas legislativas en la evolución del acuerdo.

Palabras clave: acaparamiento de tierras- regulación- Convenio Río Negro-China- resistencias sociales
Introduction

The convergence of food, financial, energy and climate crisis converted land grabbing into a global phenomenon. The public awareness about the global land rush was followed by the elevation of land grabbing onto the International Organizations agenda and the emergence of rulemaking projects at various scales to regulate the process (Margulis, McKeon, & Borras, 2013).

In this context, Argentina began to undertake decisive actions to pass a legislation for regulating foreign land acquisitions. Nevertheless, the initiative coincided with the efforts of several provincial governments to attract land investments.

The purpose of this paper is to analyze the agrifood agreement signed for the province of Rio Negro with the Chinese state-owned company Heilongjiang Beidahuang State Farms Business Trade Group Co. Ltd as an expression of land grabbing in Argentina.

The agreement, which had as main objective the leasing of 330,000 hectares in Rio Negro for crop production for China’s supply (Murmis y Murmis, 2012) triggered a widespread resistance of local communities, which mobilized in defense of land and food sovereignty. Finally, the deal failed to materialize.

Considering the legislative attempts to limit foreign land ownership and the social opposition to the Chinese investment in Rio Negro, this paper is interested in the influence of both factors on land grabbing in Rio Negro.

The assumption underlying this work is that national legislative initiatives for regulating foreign land acquisitions are not sufficient to prevent land grabbing situations, as a result of the specific characteristics of the phenomena.

With that aim, the article is divided into the following parts: it starts with an analysis of the agreement proposed by China in order to grab the land, the actors involved and the negotiation process. This will be followed by an enquiry about the compatibility of the agreement with national and provincial laws on this matter. Subsequently, will be describe the social reactions to the agreements. The final section examines the effects of social reactions and laws in the development of the agreement.
Theoretical Framework

The principal characteristic of twenty-first-century international system is the emergence of multiple centers of power. According to Haas (2008), the current world is dominated by dozens of actors which possess and exercise various kinds of power. This article adopts the idea that states have lost their monopoly of power, and “…are being challeleged from above, by international organizations; from below, by militias; and from the side, by a variety of nongovernmental organizations and corporations” (Haas, 2008:45).

The international context in which the rise of multiple actors is occurring will be understood in terms of Harvey’s concept of accumulation by dispossession. It refers to privatization and commodification of land and natural resources, the suppression of rights to the commons, the forceful expulsion of peasant populations and the suppression of alternative forms of production and consumption as distinctive features of the current capitalist phase (Harvey, 2005).

The argument of Harvey is that “spatio-temporal fixed”, through temporal deferment and geographical expansion, is the solution to capitalist crises of overaccumulation. Inspired by Marx’s theory of primitive accumulation, the accumulation by dispossession constitute a new wave of enclosing the commons (Harvey, 2005).

Furthermore, this process involves new mechanisms, like the emphasis on intellectual property rights, biopiracy, the depletion of the global environmental commons and the commodification of cultural forms, histories and intellectual creativity.

In the view of Harvey, the state plays a crucial role in this process, even though it causes widespread social resistance.

For the purpose of this article is relevant the broad definition of land grabbing proposed by Borras et. al. as:

…the capturing of control of relatively vast tracts of land and other natural resources through a variety of mechanisms and forms that involve large-scale capital that often shifts resource use orientation into extractive character, whether for international or domestic purposes, as capital’s response to the convergence of food, energy and financial crises, climate change mitigation imperatives, and demands for resources from newer hubs of global capital (Borras et. al., 2012:851).

Based on these perspectives, land grabbing will be considered the result of commodification and privatization process intrinsic to capitalism which turned the land into a strategic resource for a plurality of actors. As Margulis, McKeon and Borras (2013) state, land grabbing signals
shifts in global political power, with the emergence of the BRICS and middle income countries as new players seeking to reshape the international rules that govern the production, distribution and consumption of food and other commodities. The rise of these regional power is described by Borras et. al. as “…one of the most important changes in the global food-energy system and the phase of capitalist development today…” (Borras et. al., 2012: 859). That is to say, land grabbing reveals shifts in the production and consumption of resources and goods that will be vital in the foreseeable future.

As an example, the global rise of China is being challenge by its domestic natural resources. With 21% of the world’s population, it possesses only 8.5% of the world’s available arable land, and 6.5% of the world’s water reserves (UNOHCHR, 2010 cited in Hofman & Ho, 2012). The rapid economic growth, the nutrition transition and the population growth demand the increase of food production in a country that has lost 8.2 million hectares of arable land between 1997 and 2010 (UNOHCHR, 2010 cited in Hofman & Ho, 2012). This trends stimulated overseas land investments.

Additionally, this paper introduce the notion of sub-national governments, defined as territorial and governmental unities constitutive of State (García Segura, 1996). This concept is useful to highlight the importance of provinces among the variety of actors within the State that directly and autonomously engages in the international arena.

On the one hand, the Constitution of the Argentine Nation empowers provinces to enter into international agreements consistent with the national foreign policy and that do not affect the powers delegated to the Federal Government (Constitution of the Argentine Nation, 1994; art 124). In addition, provinces are able to enter into partial treaties with the knowledge of the Federal Congress (Constitution of the Argentine Nation, 1994; art 125).

On the other hand, China is composed of different actors in land investments, which characterize by the mix of private and public interests. Hofman and Ho (2012) distinguish the Provincial state-owned companies backed by provincial and sometimes national authorities (SOEs) as one of these actors.

The ‘Beidahuang Group’ is a prominent example of SOEs. The company, which was a state farm established to reclaim the wastelands and forests of Manchuria, is closely linked to the provincial government of Heilongjiang and the People’s Liberation Army. Nowadays is one of the largest China’s agricultural enterprises.
To analyze the international role of provinces, this article introduces the Bureaucratic Politics Model of Allison. This theory focuses on the individuals within a government and the interaction among them. It presumes that government is composed of key players in different power positions, who did not make decisions in terms of strategic objectives, but rather according to various conceptions of national, organizational, domestic and personal interests (Allison, 1988).

The decisions and actions of governments are intra-national political outcomes of bargaining process among players who see different faces of an issue. For that reason, international behavior is the result of intricate, simultaneous and overlapping games. Allison explains that those games are organized by rules which specifies who will play and when they will play and distributes particular advantages and disadvantages for each game.

In this perspective, important government decisions “…emerge as collages composed of individual acts, outcomes of minor and major games and foul-ups” (Allison, 1988:215).

Finally, the civil society is one of the actors challenging the state. As Haas explains “It is easier than ever before for individuals and groups to accumulate and project substantial power” (Haas, 2008:55). This paper focuses on the social movements that, according to Harvey (2005), reclaim the commons and attack the joint role of the state and capital in their appropriation.

**The province of Rio Negro: general characteristics**

The province of Rio Negro is located at the north of the Patagonia region. The Patagonia represents over a third of Argentina’s mainland area and is characterized by extreme arid conditions and scanty rainfalls, with the exception of areas close to Andes Mountains.

The desertification process is the region main social, economic and environmental problem. As a consequence, water scarcity has been an important determinant of regional development, causing about two-third of the population concentrates in only ten urban areas in proximity to water sources (Fundación e Instituto Di Tella, 2006).

Rio Negro covers an area of 203.013 km², which represents the 7.5% of Argentina total area and the 26% of the Patagonia (Municipalidad de Viedma, 2005), in which can be identified four zones: the center, the mountain zone, the productive valleys and the coast. The area of valleys is adjacent to Negro river. Depending on its location, the valleys are divided into Alto
Valle, at north, Valle Medio and Valle Inferior, close to river mouth (Gobierno de Rio Negro). Owing to the extreme aridity, in all of them irrigation is essential for agricultural production. Valle Medio covers about 300.000 hectares, including plateaus and valleys, the most part of which are underexploited or unused (CEAER, 2007). With approximately 80.000 hectares, Valle Inferior extends over a land area of 100 kilometers long by 8 kilometers wide.

In the decade of 1960 was created the Instituto de Desarrollo del Valle Inferior del Río Negro (IDEVI) as organization responsible of implementing a project to irrigate 65.000 hectares with waters of Negro river. In 1978, the project was paralyzed, even though the infrastructure had been build, and since them has not been restarted (Municipalidad de Viedma, 2005).

The province has its two principal ports in San Antonio Este y Punta Colorada. The former is a natural deep-water port for the exportation or regional products, which is one of the best geographical and environmental conditions found in the country.

Lastly, it’s necessary to mention that the Argentinian National Constitution modified in 1994 acknowledges in the article 124 that “…The provinces have the original dominion over the natural resources existing in their territory” (Constitution of the Argentine Nation, 1994; art 124). In other words, as a result of the Federal organization of the country, each province has the right to make its own laws of land ownership. However, it can be affected by national laws.

**The Rio Negro-Beidahuang Agreement**

The 15 of October of 2010, during his mission to China, the governor of Rio Negro, Miguel Saiz, and Beidahuang Group, the Chinese state-owned-company, signed several Cooperation Agreements. The first one consisted of an Investment Project for Agrifood including an annex, the second was an investment proposal to build a new terminal in the port area of San Antonio Oeste. The objective was the leasing of 330.000 hectares for the installation of irrigation systems which allow the production of grains for China’s supply.

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1 Acuerdo de Cooperación para el Proyecto de Inversión Agro Alimenticio entre Heilongjiang Beidahuang State Farms Business Trade Group CO., LTD y el Gobierno de la Provincia de Rio Negro, Argentina. Convenio de Cooperación para la presentación de una propuesta de inversión para la instalación de una nueva terminal portuaria en el área del Puerto de San Antonio Este. Anexo del convenio Nº 101016
As the deal states, Rio Negro’s government offered 3000 hectares of land without charge to develop an experimental plantation of high-yield crops and further high technology agricultural techniques (Anexo, 2010, art 4). In addition, the Chinese company was going to be provided with 20.000 hectares of available unexploited farmland and its irrigation systems in Valle del Idevi’s region for 20 years lease (Acuerdo, 2010, art 3). In those places, China would choose the seeds that were going to be sowed the next harvest season (Acuerdo, 2010, art 9).

Moreover, all the information needed for future investments was going to be made available. The purpose of those investments would be the exploitation of 234.000 hectares located in the following valleys: Valle Colonia Josefa (50.000 hectares), Valle de Negro Muerto (74.000 hectares), Valle de Guardia Mitre (38.000 hectares), Valle del Margen Norte (31.500 hectares) and Valle La Japonesa (41.000 hectares) (Acuerdo, 2010, art 5).

On the other hand, the agrifood project was complemented by the second agreement, involving Beidahuang commitment of investing on a new terminal installation in San Antonio Este Port. With that purpose, the province government would put at Chinese technicians’ disposal the existing data and 5 hectares for company use during a period of 50 years with automatic renovation (Anexo, 2010, art 5). However, until the company has its own facilities, it could use the port currently operating instead.

Besides, the government of Rio Negro would commit to facilitate the usage of San Antonio Oeste airport, which is situated in a strategic area (Acuerdo, 2010, art 12).

Another controversial points of the agreement were, on the first place, the decision of Beidahuang of installing a branch office in Rio Negro (Acuerdo, 2010, art 1). This was followed by a series of facilities guaranteed by the provincial government. The agreement stipulated provincial taxes exemption, such as Gross Revenue Tax, notarization and trade mark fees, and the arrangements before the national government to avoid bank reserves in investments funds entry (Acuerdo, 2010, art 6 y 7). Consequently, Rio Negro would provide without charge room for offices and housing at provincial government’s property, means of transport and office equipment (Anexo, 2010, art 2).

Secondly, the government promised the company the best environment for investment, assured by new future laws (Anexo, 2010, art 1). Furthermore, Beidahuang would send
specialists to assess the investment viability, but the resultant expenditures of the evaluation process would be settled by the provincial government (Anexo, 2010, art 3).

Finally, the arrangement established agricultural cooperation in seeds, fertilizer, pesticides, oils and agricultural machinery (Anexo, 2010, art 6).

It should be noted that the governor announced the signing of those documents in a press conference with the attendance of Argentina Foreign Ministry agents, among other local functionaries, and Yue Wang Weng, the representative of Chinese province of Heilongjiang. This time, further details were made known of the bilateral agreements. For instance, it was remarked that the deal was actually a frame agreement which in the following 120 days would be completed with the first project proposals. Similarly, the governor emphasized it was an agrifood project as it was not only related to soybean production, but also the cultivation of other products including wheat, corn, vineyards, feed and wood by local farmers in their own lands. Later, the production would be purchased by China (AN Bariloche, 03/11/2010).

The importance of the agreements were highlighted by Saiz as an “historical stage to design an integral development project in one of the last mild climate valleys that remain in Latin America without exploitation” (AN Bariloche, 03/11/2010).

However, as a result of all the negotiation process, including the topics discussed, had been kept secret, the agreement was divulged in response to a request of the Consejo Deliberante de Viedma (Viedma’s Town Council). Afterwards, it was made public by the media.

Since all the information available of the agrifood project came from individual expressions of public functionaries and media reports, the Legislatura de Rio Negro (Rio Negro legislative body) invited the Production Minister, Juan Accatino, to give governmental official explanations and clarify some points of the deal. In that circumstance, Accatino indicated that China was offering financing to produce between 200,000 and 300,000 hectares of unproductive lands and remarked that interest rate of Chinese credits were more reasonable than the ones of other financial markets. Also, detailed that the lands involved in project were private, therefore, was needed the agreement with the local farmers (Legislatura de Rio Negro, 15/12/2010).

In February of 2011, six months later the sign of the agreements, arrived to Rio Negro the Chinese mission of ten engineers and technicians to undertake the technical analysis of the
project. That mission was pointed out as the signal that the project was indeed going to be implemented (Rionegro.com.ar, 21/07/2011).

In July of 2011, governor Saiz returned to China as member of the Argentinian mission to that country organized by Foreign Affairs Ministry with the aim of strengthen bilateral relations. In that context, Saiz visited the city of Harbin, where is located the Beidahuang headquarters, to meet with Heilongjilang governor so as to examine the progress in agrifood cooperation (AN Bariloche, 17/07/2011).

Finally, Rio Negro governor and Yue Yang Weng, representative of Beidahuang Group hold a press conference in Buenos Aires in order to announce the first step forward on the investment project. This meeting was extremely relevant because, further information was revealed. In fact, it was explained that the province wouldn’t provide farmland to the Chinese itself, instead each farmer should sign individually a contract with the Chinese firm. The governor emphasized that local farmers would benefit with infrastructure and would sell its products to China at the Chicago Market Price.

Another point which was not included in the agreement was the consequential debt incurred as a result of Chinese investment in automated irrigation systems. In this matter, the governor explained that the farmers should pay back between the 20% and the 30% of that investment after 20 years, but also they could sell a part of their lands to China as a form of payment (Premici, 25/08/2011).

Meanwhile the agreement was being analyzed in the legislature of Rio Negro and the Superior Court of Justice, governor Saiz ratified the document by decree based on the capacity given for the provincial constitution to sign treaties and agreements on issues of its own competency, which have to be later communicate to legislature. The decree nº 1332 was published in the Official Bulletin Nº 4968 of September 13 (Rionegro.com.ar, 21/09/2011).

As will be discussed later, the approval of the agreement without considering the participation of the legislative branch became one of the mains reasons of rejection.

Legislation on foreign land ownership

Since its beginning in 1970, the acquisition of land by foreigners in Argentina has been progressive. This process, denominated foreignization of land, skyrocketed during the 1990s, when the neoliberal reforms weakened the state’s role, worsening the concentration of land
and the arrival of large international investors. Among the factors that attracted investments from all over the world in Argentinian farmland were the country's abundant natural resources, the low price of land and the lenient legislation (Mora, 2012).

Until the year 2011, the Argentinian Republic did not have laws for regulating the property of land by foreigners. Thought, there was specific legislation related to country’s borders, but it was characterized by broad exceptions and serious compliance difficulties. In 2002, three draft laws were proposed to the National Congress with the goal of imposing limits on foreign land acquisitions, but none of them had the agreement needed to be discussed. Thereafter, several political parties successively insisted with similar efforts every year.

In general terms, those projects established restrictions on land purchases in terms of location and size of the lands as well as nationality of the investors. Even more, some daft laws proposed prohibit land investments to specific actors, for instance, individuals without continuous residence or companies whose activities had not been authorized in the country. However, it was introduced as an exception the marriage to an Argentinian and/or having Argentinian Children. In any case, as a result of the lack of political consensus all this projects were dismissed.

Paradoxically, the real legislative debate to pass a law for regulating foreign land investments was simultaneous with the signing of China-Rio Negro agreement. In 2011, the Argentinian President, Cristina Fernandez de Kirchner, submitted to the Congress a draft law to limit land foreignization.² It was justified in the national protection of natural resources as well as rights internationally recognized, for instance, self-determination and economic independence principles. Particularly, it was remarked that the phenomenon of land appropriation by transnational capitals intensified in the last years, was taking place in Argentina. Moreover, the proposal was inspired by laws of France, Italy, Canada, Brazil and Australia, which set limits to foreign land property.

One of the key points of the bill was that land transactions cannot be considered a private investment, due to land is a non-renewable natural resource and strategic for social and human development, which is provided by the host country. In this way, the State was freed of responsibility for a breach of Bilateral Investments Treaties signed by Argentina.

² The daft law was titled “Protection of National Domain over Ownership, Possession or Tenure of Rural Land”.

With reference to restrictions to land acquisitions, the initiative stipulated that foreign investors and companies cannot own more than 20 percent of the rural land in Argentina. Additionally, foreigners of the same nationality cannot possess more than 30 percent of the aforementioned 20 percent. Lastly, each foreigner cannot own more than 1000 hectares of farmland.3

The project also created a National Register of Rural Lands to survey the amount of land belonging to foreigners. Besides, it specified that purchases done so far would not be affected. In other words, it was guaranteed to foreigners their properties regardless of who is the owner, where the lands are located and for what purposes.

Despite the draft law was aimed to stop process that could negatively affect national sovereignty and control over natural resources, it did not mention land acquisitions for touristic goals or those occurring in strategic places, for example, the country’s borders, native forest or nature reserves. The reason for this was that the law was centered on rural land and food production, without included environmental concerns.

In the context of “Rural Land Law” legislative debate, the first questioning attitude towards the China-Rio Negro Agreement was adopted by the constitutionalist and author of the bill, Eduardo Barcesat. He stated to the media that the agreement was null and void due to it evaded all the legal mechanisms of the Provincial Constitution. For that reason, it had to be immediately discarded (Renou, 13/07/2011). It should be noted that this argument has not connection with the law that would be passed later, instead it was based on constitutional law.

Specifically, the two requirements stipulated by Provincial Constitution regards the conclusion of international treaties: first, the Executive Branch must previously inform the Legislative Branch about its content, and later, it must be subjected to legislative ratification. On the contrary, the Rio Negro governor failed to meet both obligations, which impeded to the legislature analyze and decide the approval of the agreement.

3 Those limits were modified by the Congress before the law was passed. Law 26.737 “Regime for Protection of National Domain over Ownership, Possession or Tenure of Rural Land” limited foreign ownership of rural land to a maximum of 15 percent of Argentina’s productive land (Ley 26.737, art 8). Foreign individuals or companies with the same nationality cannot own more than 30 percent of that 15 percent (Ley 26.737, art 9), and each foreigner cannot own more than 1000 hectares in the most productive farming areas. Moreover, the law forbade the acquisition of lands located at the borders of the country or alongside water bodies (Ley 26.737, art 10).
The critics were rejected by Rio Negro production minister, who remarked that the agreement involved a state and a company. For this reason, it cannot be considered an international treaty, which linked two states and, consequently, entails legislative participation. For that reason, the governor was only obliged to inform his activities (Renou, Defienden el acuerdo con los chinos, 18/07/2011).

In reference to the disagreement that would result between the agrifood agreement and the law setting limits to foreign land ownership, the minister highlighted that “…public lands have never been handed over or sold to foreigners…” (Tres Líneas, 16/07/2011), rather the government gave the research data to evaluate irrigation systems feasibility in privately owned lands. That’s why the infrastructure projects required the expressed consent of land holders.

In brief, according to Rio Negro government, given that the deal with Beidahuang was related to direct investment, without planning the transference of property rights, it would not contradict the future Rural Land Law.

Finally, on December of 2011, was sanctioned by the Senate the Law 26.737 establishing the Regime for Protection of National Domain over Ownership, Possession or Tenure of Rural Land. It was published in the National Bulletin on February 29, 2012.

Leaving aside the national initiatives, Rio Negro was among the first Argentinian provinces in passing a law which restricted the foreign acquisition of state-owned lands. In September of 2010, the Rio Negro legislature approved by unanimous consent the law 4584. The main reason for this was the acknowledgement that the state must take part in the defense of its territory, in the same way than it does in the developed countries, which had forbidden or restricted land purchases (AN Bariloche, 04/10/2010).

The law forbade public farmlands acquisitions by particular actors, for instance, business societies whose main objective was not the cultivation of land, public held companies or foreign subsidiaries companies.

Because of law 4584 was centered on provincial state-owned lands, it had no influence on the commitment with China, which as was explained above, involved privately-owned lands.
Social resistance to the Chinese project in Rio Negro

One distinctive feature of Latin American countries is the multiplication of social resistances against the development model based on intensive natural resources exploitation. In this way, traditional struggles for land by indigenous peoples, smallholders and poor rural communities had become stronger. These revolts coincide with the rise of new ways of social mobilization focused on nature, biodiversity in environment defense (Svampa, 2011).

According to Teubal (2009), nowadays struggles for land access and ownership become more relevant and meaningful. In those conflicts, social organizations consider issues that go beyond agrarian movements and natives sectorial interest.

In this context, the Rio Negro-China project generated immediate and simultaneous reactions of several social groups. At the same time the agreement was being introduced publicly, organizations protested outside the government building in rejection of that plan. Previously, a radio broadcasting by the local community installed in front of Production Ministry building transmitted a political document against the expansion of the so-called “soya model” (8300web, 04/11/2014).

Rapidly, other voices joined the refusal to the project and expressed their opinions by political pamphlets aiming to communicate and raise awareness about the problematic situation to society.

Among them can be cited the environmental non-governmental organization (NGO) Asociación Ecologista Piuke de Bariloche. In a press release, it asserted that Argentina is experiencing land plundering to industrial production of agro fuels and transgenic soybean for animal feed. The NGO stated that they were going to stay alert “…in light of the official announcements of reproducing the agribusiness model in Patagonia” (Asociación Ecologista Piuke, 2014) and would not give up in defense of common goods from pillaging and pollution.

Likewise, the Catholic Church warned about the social and environmental consequences of land leasing to China and foreign acquisition of natural resources.

In November of 2010, social organizations, institutions, political parties and social movements issued a political document titled “Neither soybean, nor China: food and sovereignty”. It argued that the “soybean project” was strongly related to China’s global rise and it prioritized the agribusiness economic interest rather than national interest related to natural resources and livelihoods of farm workers. Hence, one cannot agree with the leasing
of land neither to pooles de siembra (sowing pools)\textsuperscript{4} nor provinces of countries like China. On the contrary, the Argentinian people must be able to irrigate Rio Negro lands. Additionally, remarked the multiple negatives effects of agribusiness growth, for instance: loss of food sovereignty, environmental degradation and loss of indigenous peoples territories victims of forcible evictions and land enclosures (Foro Ambiental Capital, 2011).

One of the first NGO that denounced the agreement was the Fundación para la Defensa del Ambiente (FUNAM), which in a press release advised the agrifood project would transfer to Rio Negro the environmental and health problems occurring in China due to soybean monoculture. In this country, sand storms produced by eolic and hydric erosion are frequent. FUNAM concluded raising several questions: “¿What is going to happen with the 320.000 hectares that China seeks to cultivate in Rio Negro, where the wind is more intense? ¿What will be the effects of soil irrigation? ¿How should be prevented river pollution with pesticide residues?...” (FUNAM, 15/11/2010).

Greenpeace expressed its opinion as well, framing the deal as part of its campaigns against transgenic soybean expansion. The organization was concerned about the agrifood project since this results in deforestation, loss of biodiversity and increasing use of agrochemicals (Greenpeace, 2011).

Community organizations like San Javier cooperative and the Foro de Agricultura Familiar also become part of the reaction. They showed uncertainty due to the lack of information about the agreement and, as in the former cases, worried for the impacts of industrial agriculture.

The statements made by academia had the same purpose. Several departments of Universidad Nacional del Comahue rejected the agrifood Project. Initially was the Consejo Directivo, the highest authority, of the Centro Universitario Regional Bariloche, and then it was followed by the Facultad de Ciencias Agrarias (Agricultural Science School) and the Centro Universitario Regional Zona Atlántica. In June of 2011, finally the highest authorities of the University objected to the agreement and warned about its health, social and economic risks.

\textsuperscript{4}The sowing pools are speculative investment funds. They contract land to third parties with a mix of crops and regions, for the large-scale production of cereals. The aim is to give the investor returns that are superior to those of other financial options (FAO, 2004).
Besides, they stated that, having the magnitude of the project into account, it should had been analyzed and discussed at a technical and political level (UNCO, 02/08/2011). The deal was also disapproved by the Law and Social Sciences School of the Universidad Nacional del Comahue and the Journalism and Communication School of the Universidad de La Plata.

Svampa (2011) highlights the importance of different actors collaborating together, what would lead to a knowledge exchange characterized by the appreciation of local wisdom and would give birth to a new expertise, independent of dominant discourses. In this way, such actors would create a common perspective and so, diversify their action plans over time.

On the whole, the statements made by these actors converged in criticizing the agribusiness advance in the country and its environmental and social consequences. Some of them mentioned the growing international role of China and expressed its concerns about the establishment of dependency ties and loss of Argentine sovereignty. The uncertainty regarding the content and scope of the agreement was shared by all the parties. Nevertheless, in none of this documents, pamphlets and press releases an explicit reference was made about land grabbing. This may be due to the local unawareness of such recent phenomenon. In any case, it can be appreciated a second phase, when the term land grabbing is at the heart of the discussion.

In that situation of social tension, the Grupo de Reflexión Rural (GRR) was the organization that played a leading role in rejecting the deal with China. This was demonstrated by the incident occurred during a press conference about the agrifood project in Buenos Aires which end up in a fight, after two activists of GRR asked the governor about the social, environmental and economic consequences of the agreement and particularly, its connection with the global land grab. He refused to answer those questions with the excuse it made the attendants feel uneasy, consisting mainly by business journalists (Premici, 25/08/2011).

The action of GRR was supported by the Grupo Soberanía Alimentaria of Foro Permanente por una Vida Digna and the asamblea de Organizaciones y vecin@s Movilizados por la Soberanía Alimentaria Región del Alto Valle -Rio Negro. Those groups reproduced a press release in which the GRR indicated that the agreement was an economic, social and
ecological fraud which replicated the Roca-Runciman agreement of 1933\(^5\). Even more, it entailed the appropriation and privatization of land, excluding local population interests and needs. With reference to China, was accused of being neocolonialist despite its discourse about multipolarity (Dimitriu, 29/08/2011). The challenges to natural resources protection in Argentina bring about as a particularity the emergence of assemblies of self-convened residents. In general, those begin with specific demands, although they tend to broaden and intensify their discourses, incorporating new topics (Svampa, 2011). The assemblies were present throughout the Rio Negro controversy, and clearly protested against at the critical moments. This was notably illustrated by their response to the decree that approved the agreements. In that occasion, a plurality of assemblies\(^6\) communicated publicly that if present and future legislators supported the decree or facilitate the execution of the agreements, they were going to be consider traitors to the motherland (ADN, 11/12/2011).

In like manner, another tool in struggles over natural resources that gained a critical importance for social movements and organizations is the law. As Svampa (2011) explains, the institutional instrument par excellent was not popular referendums, but parliamentary laws.

A group of 23 citizens from the Valle Inferior of Río Negro filed an appeal for protection against the Rio Negro Executive Branch. They requested the Court of Justice to order stoppage the implementation of the commitments between Rio Negro and China, on the grounds that it were going to endanger the uses of the soil, water resources and the port.

\(^5\) The paradigm of the historical Argentinian period called “infamous decade” was the treaty signed by Argentina and United Kingdom in 1933. United Kingdom committed to purchasing 390,000 tons of meat, but Argentina granted tariff reductions to British manufacturer and guaranteed the payment of products from that country and dividends of British capital by revenues of Argentina meat export sales. In addition, the British government controlled the importing license regime. This deal accentuated the Argentinian dependency with Great Britain (Puig, 1984).

\(^6\) This statement was signed by the Asamblea por la Soberanía Territorial y Alimentaria of Río Negro, which gathered the following self-convened residences assemblies: Asamblea de Bariloche, Asamblea de la Comarca Andina, Asamblea por la Soberanía Alimentaria de Valle Medio, Asamblea de Organizaciones y vecin@s Movilizados por la Soberanía Alimentaria Región del Alto Valle, Grupo Soberanía Alimentaria del Foro Permanente por Una Vida Digna, Asamblea de la Comarca Viedma-Patagones y otras en formación - Asamblea de Río Colorado, Allen.
Therefore, it infringed Rio Negro Provincial Constitution laws, principally the articles referred to soil and natural resources rational usage (Constitución de Rio Negro, art 70); governmental guidelines for soil usage and rural and urban development (Constitución de Rio Negro, art 74); the protection of natural resources against economic privilege and the right to community participation in land use decision making (Constitución de Rio Negro, art 91). To the same extend, it broke the constitutional recognition of land an as agricultural production instrument which should be in the hands of farmers, avoiding speculation and property concentration (Constitución de Rio Negro, art75).

In brief, the project threatened to environmental protection responsibilities and rights as well as the right of citizens to take part in decision making. Simultaneously, the tax exemptions transcended the violation of the right to equality before the law, resulting in environmental, social and cultural damages to local agriculture (STJ de Rio Negro, 21/06/2011).

As part of the social actions carried out in Rio Negro, the GRR also lodged a criminal complaint against the Rio Negro governor for abuse of authority and noncompliance of his duties. Besides, his behavior was explicitly linked to the global land grabbing.

Furthermore, following the slogan “sí negocian con nuestra soberanía nos imponen la colonia” (if they negotiate our sovereignty, they impose us the colony) (Rulli, 2011) the organization drafted a city ordinance which underlined the right of town councils to prohibit the startup of the project.

Under those circumstances, a provincial assemblywoman, Silvia Horne, lodged an appeal for legal protection against the Rio Negro governor. The appeal requested Rio Negro Superior Court of Law to force the Executive Branch not to partake in the future agreement implementation, and/or suspend the current actions. The measure, that gathered 500 signatures, was based on the unconstitutionality of the decree since it exceeded governor responsibilities at the expense of Legislative Branch powers, breaking the balance between state institutions (ADN, 12/10/2011).

The project received a deathblow after the Court of Justice upheld the appeal. It’s important to mention that, even though the decree was considered as a precarious document, the judge neither declared its unconstitutionality nor recommended its legislative discussion. In contrast, the provincial government was forced to interrupt the execution of the agreement, nevertheless the Court of Justice left the possibility of a restart open (Urgente24, 24/11/2011).
For that reason, not all the community supported the appeal. For example, a group of assemblies demanded the refusal of the agreement in itself, rather than requiring legislative involvement (Lucha y resistencia en Río Negro, 30/11/2011).

It is worth pointing out that this verdict followed a change of authorities. The new government at charge seemed unwilling to continue the negotiations. Both events coincided with the return to their country of Chinese technicians that were in Argentina (El Cronista, 24/11/2011).
Conclusion

The agreements between Rio Negro and the Chinese company clearly reveal how vast tracts of territory can be controlled overseas without being affected by legal restrictions to foreign land acquisition.

As can be seen in the case studied in this article, the discussions about foreignization of farmland cannot focus exclusively on its ownership. In that respect, the GRR stressed that, regardless of who is the owner, China would have totally controlled more than half of Rio Negro arable lands. Besides, what could have occurred without considering the water and the nutrients contained in food that would be carried to China and the social and environmental consequences of that production mode.

Certainly, it seems a contradiction to forbid land purchasing by foreigners, while their use, exploitation and control is allowed. Several reasons can be mentioned that cast doubt on the effectiveness of that kind of legislation for preventing land grabbing.

On the first place, foreign investors are able to evade the restrictions on land purchases by exploring other forms of control over land. As has been noted in these pages, China was going to utilized in Rio Negro individual contracts with private land owners and monopolized crops transactions in replacement of land purchasing. That is closely related with the idea that land grabbing implicates different ways of controlling land and other resources.

In this context, from the point of view of the communities, a long-term lease, a concession or an agricultural production contract, has the same impact as a permanent transfer of ownership. The same thing can be said about lands that become unusable due to the degradation caused by agrochemicals use. It must be noted that social movements and NGO warned the Rio Negro-China agreement would had this consequence.

Secondly, as Borras et. al. (2012) remark, policy adjustments do not really address the logic of the capital power that sustains land grabbing. A key issue is that whereas foreign investments in lands are restricted, the income of foreign capitals is promoted in other sectors, like mining and the extraction of shale gas and shale oil resources, which could entail an indirect control over land.

The alliances between foreign and domestic capital, and, especially, the rise of mixed foreign-domestic land investments as the “sowing pools” in Argentina, exemplified this
point. Moreover, the foreign investor can simply hide behind domestic actors to mock the law (GRAIN, 2013).

Clearly, the foreign land ownership is just a part of the current land grabbing and reduces the debate to a dichotomy between foreign-national, without considering that regulation does not prevent the adaption of the phenomenon to observe the law. This could lead to a paradoxical situation in which, the sowing pools and China could qualified themselves as “landless” since instead of seeking the land property, they prefer control the agricultural production at their own discretion.

Under those circumstances, the case of Rio Negro, on the one hand, exhibits the contradictory behavior at a national and provincial level facing land investments. On the other hand, the social protests played a crucial role campaigning against the agreement and its consequences. By those means, the social movements pulled some strings to find the best utilization of legal instruments to reject the agreement.

Undoubtedly, land involves more significant aspects other than property. For smallholders, growers and natives land is essential for earning a livelihood, but also it entails a way of living. In short, it must be considered a source of biodiversity, food sovereignty, landscape, as well as culture, identity, autonomy and the well-being of the whole society (Teubal, 2005).

Setting limits to foreign land investments neither attacks the underlying reason of the main rural problem, which is land concentration, nor threatens the current agribusiness model that impacts negatively on food sovereignty, environmental sustainability and rural development.
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