



***Rediscovering land for business –
A human rights analysis of land
grabbing and the responses of the
international community***

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Tokyo, January 2012



FoodFirst Information and Action Network



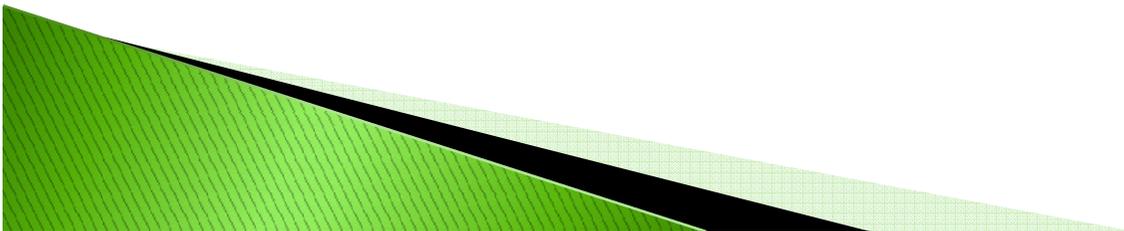
1. FoodFirst Information and Action Network

- ▶ Since 1986, FIAN has actively investigated land conflicts and supported rural communities in the defense and struggle for their lands
- ▶ FIAN Systematically applies a human rights approach to land issues and conceptualizes access to land as a human rights obligation.
- ▶ Access to land is a key part of the right to food (concept adopted by the UN Committee of Economic, Social and Cultural Rights in its authoritative interpretation: GC N° 12)



2. Land Grabbing

- ▶ Land grabbing is not a new phenomenon
- ▶ FIAN investigated many cases in which land grabbers were local and national elites (land lords, paramilitary groups, plantations and companies) as well as the government itself.
- ▶ First cases of foreign land grabbing related to mining by foreign companies.
- ▶ New type of land grabbing since three years



Definition of Land Grabbing

Taking possession of and/or controlling a scale of land for commercial/industrial agricultural production which is disproportionate in size in comparison to the average land holding in the region.

- ▶ Definition focuses on the distributional aspects of the phenomenon and its impact on the political economy and the local and national populations' right to resources
- ▶ national and foreign investors



Scope of the phenomenon

- ▶ 50–80 million ha subject to negotiation by international investors; 2 / 3 in sub-Saharan Africa.
- ▶ Three quarters of the land deals announced have yet to demonstrate tangible investment.
- ▶ Drivers: Growing demand for resources (food, minerals, timber etc.)
- ▶ “Green grabs”
- ▶ Investors include companies, foreign governments, commercial farmers, financial industry



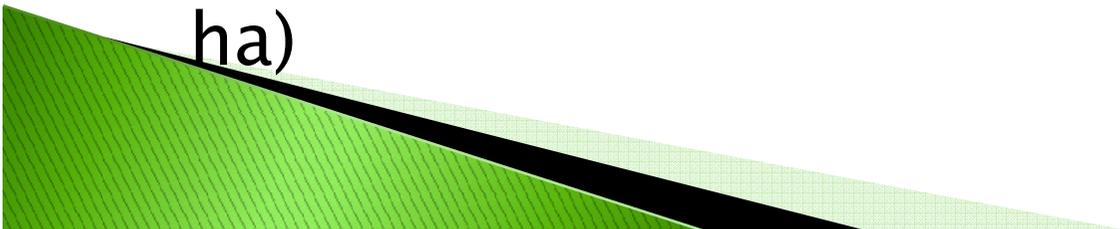
3. Concerns about Land Grabbing

- ▶ Reduced land availability
- ▶ Reduced political space for peasant oriented agricultural policies
- ▶ National markets are geared towards agribusiness interests and global markets, rather than sustainable peasant agriculture for local and national markets
- ▶ Model of agricultural production that contradicts authoritative international recommendations (e.g. IAASTD)
- ▶ Commoditization of nature and agriculture



One important driver: agrofuels

- ▶ In 2006 about 14 million ha, i.e. about 1 % of the world's arable land.
- ▶ Expected by 2030: 35–54 million ha (2.5 to 3.8 % of available arable land)
- ▶ EU consumption target: 10 % by 2020 \triangleq 20–30 million ha
- ▶ International Energy Agency (IEA) estimations: 20–30% of transport fuel demands in 2050 require 100–650 million ha of land (total area under arable production today: 1,600 million ha)



4. Human rights analysis of land grabbing

Land grabbing impacts the enjoyment of human rights

- ▶ Right to Adequate Food (Art. 11 of the ICESCR; interpreted by General Comment 12 of CESCR)
- ▶ Right to Adequate Housing (Art. 11 of the ICESCR; GC 4 and 7)
- ▶ Right to Adequate Standard of Living, including Resources (Art. 11 of the ICESCR)
- ▶ Right to work (Art. 6 of ICESCR)



- ▶ Rights of Indigenous peoples (Art. 13–19 of the Convention No. 169 of the International Labor Organization (ILO; UN Declaration on the Rights of Indigenous Peoples)
- ▶ Right to Self-determination and Right Not to be Deprived of the One's Means of Subsistence (Art. 1.1 and 1.2 of ICESCR and ICCPR)
- ▶ “New” rights regarding access to and control over natural resources: rights of peasants, a human right to land

5. Extraterritorial obligations

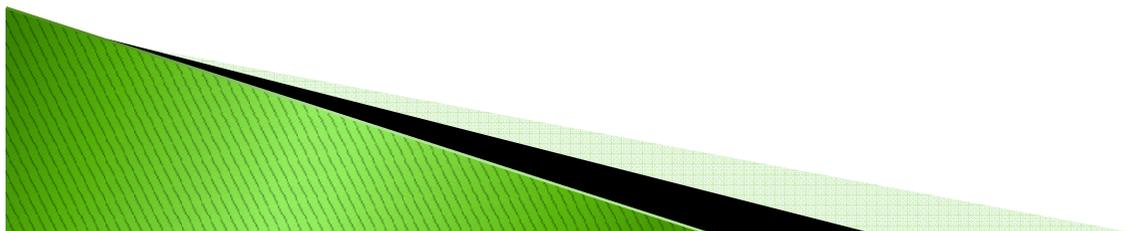
- ▶ State obligations to respect, protect and fulfill: domestic and extraterritorial obligations
- ▶ Unequal economic power balance between investor countries (and their corporations) and host countries
- ▶ Investor States must regulate, at the domestic level, international land acquisition and related investment activities.
- ▶ Regulatory measures at the multilateral level involving other investor countries.

6. International Responses to Land Grabbing



Two main international responses:

- ▶ Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forests and Fisheries (VG land)
- ▶ Principles for Responsible Agricultural Investments (RAI)



VG Land

RAI

Background:

- ▶ Build on the final declaration of the International Conference on Agrarian Reform and Rural Development (ICARRD), 2006 and the Voluntary Guidelines on the Right to Food
- ▶ Response to the phenomenon of large-scale land investment.
- ▶ Self-regulatory policy advice to mitigate the negative impacts of large-scale land acquisition.

VG Land

Nature of Instrument:

- ▶ Refer to binding human rights obligations

Core content and scope:

- ▶ Governance of land, fisheries and forests: who decides which resources can be used by whom and under which conditions; and how decision making should be done

RAI

- ▶ No reference to human rights law; build on CSR frameworks

- ▶ Seven principles, such as recognition of existing land and resource rights, food security, transparency, consultation and participation, economic, social and environmental viability

VG Land

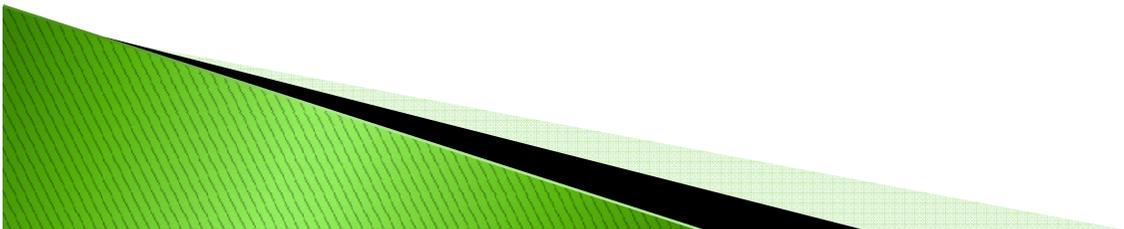
RAI

Institutional setting and modality of negotiation and adoption:

- ▶ Developed by FAO
 - ▶ Drafted and negotiated in intergovernmental process in the Committee on World Food Security (CFS)
 - ▶ Inclusive and participatory process including different civil society actors, esp. the groups most affected
- ▶ Started as agency-led initiative without participation of all governments and not clearly anchored in a concrete multilateral institutional setting.
 - ▶ NGO and mixed coalitions of civil society organizations and UN agencies have participated in round tables

7. Recommendations

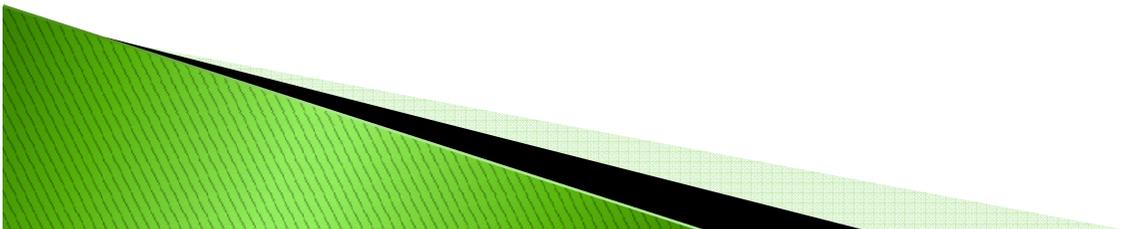
- ▶ Apply the precautionary principle and prevent large-scale land acquisition
- ▶ Reform the current investment promotion system with clear reference to international human rights law
- ▶ Drop consumption targets for agrofuels, freeze policies that encourage the use of agrofuels



- ▶ Implement human rights based land policies (domestic level and international cooperation) and implement final declaration of the ICARRD
- ▶ implement the recommendations of IAASTD
- ▶ Substantial investment in agroecological peasant farming, combining modern and traditional knowledge on sustainable agricultural systems

- ▶ Global Alliance against Land Grabbing created in Mali in November 2011.
- ▶ Dakar Appeal against Land Grabbing, signed by more than 900 organizations:

<http://www.dakarappeal.org/>





For more information

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