



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

***Sofía Monsalve Suárez***

***FIAN International***

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*FoodFirst Information and Action Network*



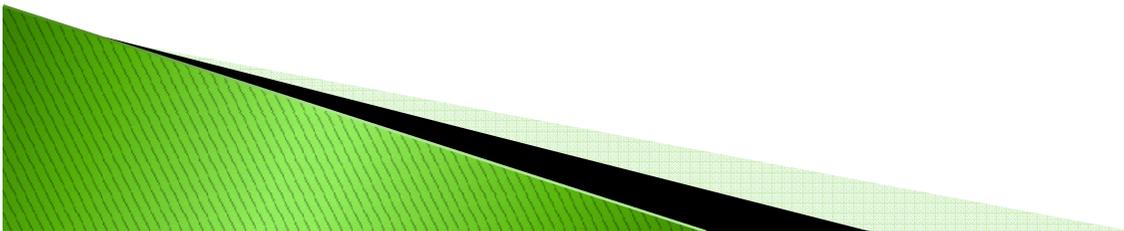
# 1. FoodFirst Information and Action Network

- ▶ 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



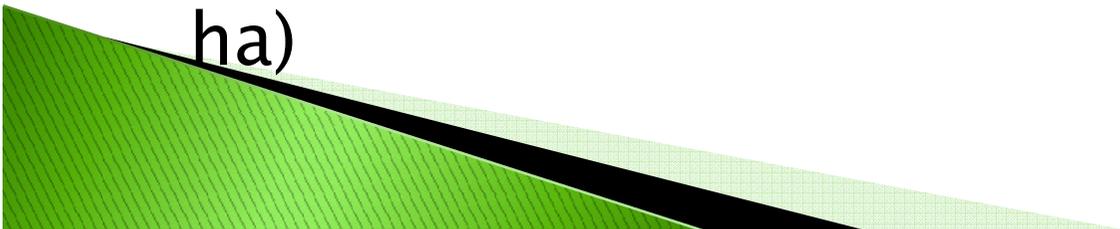
### 3. Concerns about Land Grabbing

- ▶ 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

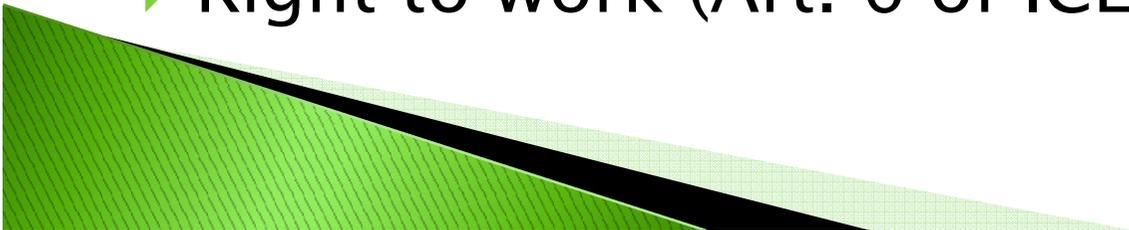
- ▶ In 2006 about 14 million ha, i.e. about 1 % of the world's arable land.
- ▶ Expected by 2030: 35–54 million ha (2.5 to 3.8 % of available arable land)
- ▶ EU consumption target: 10 % by 2020  $\hat{=}$  20–30 million ha
- ▶ International Energy Agency (IEA) estimations: 20–30% of transport fuel demands 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

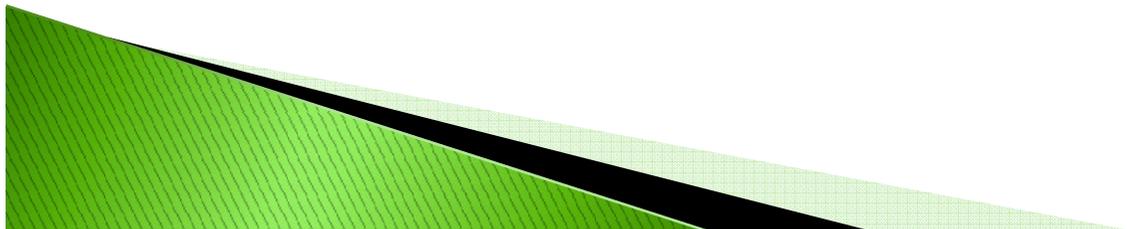
- ▶ State obligations to respect, protect and fulfill: domestic and extraterritorial obligations
- ▶ Unequal economic power balance between investor countries (and their corporations) and host countries
- ▶ Investor States must regulate, at the domestic level, international land acquisition and related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

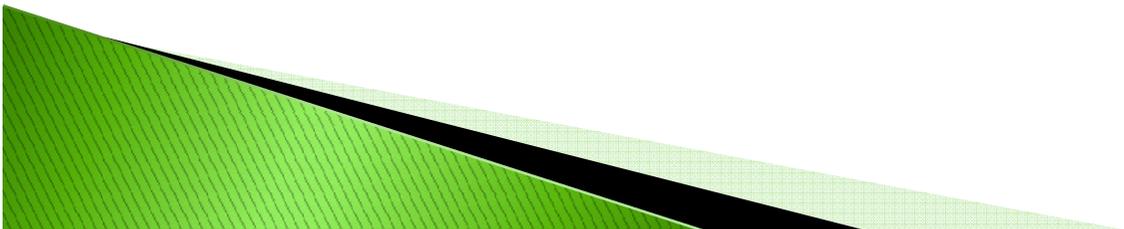
## RAI

### 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

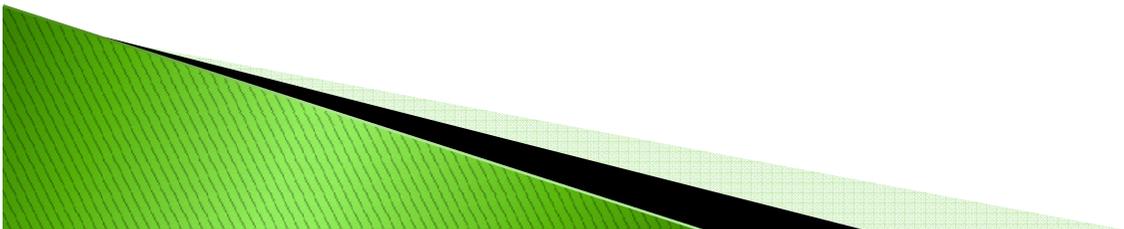
- ▶ Apply the precautionary principle and prevent large-scale land acquisition
- ▶ Reform the current investment promotion system with clear reference to international human rights law
- ▶ Drop consumption targets for agrofuels, freeze policies that encourage the use of agrofuels



- ▶ 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/>





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Personal contact: [monsalve@fian.org](mailto:monsalve@fian.org)

