



International  
Land Coalition



***Responding to Commercial  
pressures on land***

Instruments and the building of a  
coordinated response

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# Presentation outline

- ◉ Existing instruments directly or indirectly related to land acquisition and CPL phenomenon
- ◉ Building a coordinated response and ILC's involvement in advocacy - The case of the *Commercial Pressures on Land* project

# Existing instruments

## **6 different types of instruments:**

- ◉ Guidelines
- ◉ International frameworks indirectly related to land
- ◉ General CSR instruments
- ◉ Financial sector specific instruments
- ◉ Commodity specific instruments
- ◉ Land related frameworks and policies at continental, regional and national

# Existing instruments

## 1. Initiatives to provide guidelines on investments in agriculture and land

- ◉ The Government of Japan has announced an initiative at the July G8 summit to develop “a global platform to agree on principles and compile good practices”. It has outlined a number of “non-binding principles”
- ◉ Special Rapporteur on the Right to Food statement on ‘Large-scale land acquisitions and leases: A set of core principles and measures to address the human rights challenge’, released December 2009.
  - ◉Addendum to “Right to Food” report
  - ◉11 principles
- ◉ FAO Voluntary Guidelines for responsible governance of tenure of land and other natural resources (Consultation began in 2009, intended to provide practical guidance to States, civil society and the private sector on the responsible governance of tenure)
- ◉ FAO, IFAD, UNCTAD, WB – Principles for responsible agricultural investment
- ◉ IFPRI – recommending code of conduct

# Existing instruments

## 2) International frameworks indirectly related to land

### ◉ The right to self-determination

Recognizes the right to self-determination, defined as the right of all peoples to freely dispose of their natural wealth and resources, and stipulate that no people may be deprived of its own means of subsistence

International Covenant on Economic, Social and Cultural Rights (Art 1 & 11)

- International Covenant on Civil and Political Rights (Art 1, 25, 27)
- United Nations Declaration on the Rights of Indigenous Peoples (Art 3; 8, 2, 10, 25, 26, 32)
- ILO Convention No. 169 (1989) (Art 13, 19)
- African Commission on Human and Peoples' Rights
- The Committee on the Elimination of Racial Discrimination
- International Convention on the Elimination of All Forms of Racial Discrimination (Art 5c)

### ◉ The right to development, transparency and accountability

The right to development "implies that foreign direct investment (FDI) should contribute to local and national development in a responsible manner"

- Declaration on the Right to Development

# Existing instruments

## 3) Corporate Social Responsibility instruments

- ◉ **OECD guidelines for multinational enterprises**

Guidelines for multinational enterprises' operations (standards on labour rights, human rights, environment, consumer protection and corruption)

- contribute to economic, social and environmental progress
- respect human rights consistent with the host government's international obligations and commitments
- encourage local capacity building through close co-operation with the local community

- ◉ **Global Reporting Initiative**

Framework for sustainability reporting through a consensus-seeking process to facilitate transparency and accountability by organizations and to provide stakeholders a comparable framework from which to assess the value of disclosed information

- ◉ **UN-Global Compact**

Instrument to align business operations worldwide with ten universally accepted principles in the areas of human rights, labour, environment and anti-corruption

# Existing instruments

## 4) Financial sector specific instruments

- ⊙ **Equator principles**

Benchmark for managing social and environmental risk in project finance by the financial industry. Should ensure that financed projects are developed socially and environmentally responsible by only providing loans to projects that conform to the 10 principles.

- ⊙ **UN Principles for Responsible Investment**

In partnership with UNEP Finance Initiative and the UN Global Compact, describes a set of principles linked to good investment governance

- ⊙ **UNEP Finance Initiative**

Recognition of role of financial services sector in better environmental and sustainability practices

# Existing instruments

## 5) Commodity specific instruments

- ◉ Forest Stewardship Council (FSC)
  - ◉ Round Table for Sustainable Palm Oil (RSPO)
  - ◉ Round Table on Responsible Soy (RTRS)
  - ◉ EU sustainability criteria on biofuels/bioliquids
  - ◉ Extractive Industries Transparency Initiative (EITI)
  - ◉ ...
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- Certification / Institution delivering certification
  - Based on principles, criteria and requirement
  - Including demonstrated and uncontested, clearly defined, long-term land tenure and use rights, recognition and respect of indigenous peoples' rights

# Existing instruments

## 6) Land related frameworks and policies at continental, regional and national

- ◉ African Union/Economic Commission for Africa/African Development Bank Framework and Guidelines for Land Policy in Africa (adopted at July Summit of African Heads of State, address full range of land policy issues, including foreign investment in land)
- ◉ NEPAD – Pillar 1
- ◉ COMESA – ECOWAS in engaged regional land policies; SADC slow
- ◉ National land policies (Madagascar = registration of 'petit papiers', Botswana = land boards, ...)

# Existing instruments

- ◉ Elaboration of guidelines that are inclusive, build ownership

but

- ◉ Do existing investment-related codes of conduct provide clear and adequate guidance for land-related investments?
- ◉ Respected institutions or Issues
  - But not legally binding
  - but much investment pressure is where governance is weakest
- ◉ Policy Framework and Guidelines provide an adequate code, or are these a starting point for a more targeted code of conduct?
- ◉ How can we ensure that a code of conduct attracts adequate adherence and support from all key stakeholders, including investors, home and host governments and civil society?
- ◉ How would enforcement of these instruments be enhanced?

# Building a coordinated response and ILC's involvement in advocacy

CPL:

- 1) Continued research and monitoring, including CSOs
- 2) Information dissemination and feeding the debate
- 3) Creating space for dialogue

Overall:

- 4) Supporting the policy process

# **1. Continued research and monitoring to enable an evidence-based response**

The need for evidence based responses (including social, environmental impacts of land acquisitions, learning lessons from successful examples, alternative models of agricultural investment that do not involve transfers of land ownership).

How do we make it more effective?

Integrating into/with broader initiatives:

- Land-monitoring initiatives, WB Land governance Assessment Framework
- Observatoire du foncier (Madagascar), observatoire des agricultures (West Africa)

Creating ownership

Greater involvement of civil society in research – in design and implementation of research

How can the expanding number of diverse research and monitoring initiatives on land transactions develop greater coherence/complementarity?

# **1. Continued research and monitoring to enable an evidence-based response**

## **Initiatives:**

### **Empirical research**

- ◉ IIED/FAO/IFAD
- ◉ World Bank
- ◉ GTZ case-studies on foreign investment
- ◉ OECD secretariat/Club du Sahel West Africa regional study on land-based investment (part of the ILC Commercial Pressures on Land study)
- ◉ FIAN country-case studies with selected in-country partners.
- ◉ PLAAS - Commercialisation of Land and 'Land Grabbing' in Southern Africa
- ◉ CIRAD-LSE-GEMDEV - Political economy of land acquisitions

...

### **Desk-based research**

- ◉ IIED/FAO study on the 'Biofuels Boom and Poor People's Access to Land' (2008 - High-Level Conference on World Food Security).
- ◉ AGTER/ILC conceptual framework for commercial pressures on land (April 2009).

# **1. Continued research and monitoring to enable an evidence-based response**

## **ILC Strengthening CSO evidence base**

- ◉ Global research project supporting 30 studies, many by CSOs:
  - Research focusing on many drivers of commercial pressure on land and natural resources, not just farmland acquisitions
  - Not only contributes to global knowledge base, but empowers organisations to contribute to global debates on phenomenon
- ◉ Large-scale verification project (ILC-CIRAD-CDE)
  - 60 countries, worldwide
- ◉ Networking!

## 2) Information dissemination and feeding the debate

- ◉ Availability at all levels of relevant and quality information - empower
- ◉ Awareness creation
- ◉ Feeding the debate at all levels

How do we make these disseminations more effective so that it does not only represent 'circulation of information', but fo it to contribute effectively to the debate?

## **2) Information dissemination and feeding the debate**

### **Briefing notes/position papers/statements**

- ◉ IISD brief on 'A Thirst for Distant Lands: Foreign investment in agricultural land and water', released May 2009.
- ◉ IFPRI brief on "'Land Grabbing" by Foreign Investors in Developing Countries: Risks and Opportunities', released April 2009.
- ◉ DWHH brief on 'Land Grabbing: "The land is pulled away from under the poor's feet"', released April 2009.
- ◉ FAO, IFAD, UNCTAD and the World Bank Group, discussion note 'Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources', 25 January 2010.

### **Tracking land-based investments**

- ◉ GRAIN's website
- ◉ ILC's blog

## 2) Information dissemination and feeding the debate

### ILC

- ◉ ILC – Blog (wider land-related investments, categorised by keywords).
  - Accessible and contribution by CSOs
- ◉ Series of research reports
  - based on the works of CPL, including work of CSOs
- ◉ Series of policy briefs
  - based on the works of CPL, including work of CSOs
- ◉ Networking!

# 3) Creating space for dialogue

## **A code of conduct for investors and host governments**

Including: include: transparency in negotiations; respect for existing land rights, including customary and common property rights; sharing of benefits; promotion of socially and environmentally appropriate farming systems; adherence to national trade policies; and protection of labour rights

## **Developing guidelines and tools for good decision-making by investors, governments and local communities**

Role for broader, advisory guidance and information tools that could help governments, investors and communities make good decisions when faced with investment options (Ex balancing of investment goals with broader food security and social aspect concerns)

## **Developing monitoring mechanisms for follow-up and implementation of agreements**

- Developing criteria for investment
- Reporting and appeal mechanisms

### 3) Creating space for dialogue

- ◉ How do we reach an accepted-by-all code of conduct?
  - formulation should be inclusive, negotiated and accepted by ALL parties
  - A civil society charter on land-based investments?

But:

Linked in to capacity building strategies for the staff of host governments, for local communities and for the civil society organisations that represent them.

Enhancing the quality and quantity of information that all sides can access (on investors and investor practices, but also on land claims, etc.)

Methodologies to facilitate consultations with local communities to establish Free, Prior and Informed Consent could be developed for voluntary use by investors and governments

- ◉ How do we enforce these instruments?
  - Role of civil society as a watch dog (i.e. Observatoire du foncier in Madagascar)
- ◉ Level?
  - Regional and subregional negotiation encouraged (ex: west Africa)

### 3) Creating space for dialogue

#### ILC's involvement:

- ◉ Support to civil society engagement in formulation of FAO's Voluntary Guidelines - Global response to develop principles for responsible agricultural investment is a relatively closed process involving FAO, IFAD, World bank and UNCTAD
- ◉ ILC facilitating a consortium (farmers organisations, governments, NGOs, private sector) to convene a process of widening the debate on principles and other possible responses to increasing commercial pressure on land - Probable conference last quarter 2010.
- ◉ ILC participation in various key forums to facilitate platform for civil society members and promote widening of debate:
  - Global Donor Platform Jan 2010
  - Commercial Pressures on Land in Asia, in IFAD Farmers Forum Feb 2010
  - World Bank Land Conference April 2010
- ◉ Reflection on a civil society charter on land-based investments?

## 4) Supporting the policy process

- ⊙ Strengthening land rights of the poor

- ⊙ Upscale registration of land rights of the poor
- ⊙ Areas and people most vulnerable to dispossession
- ⊙ Decentralised land registration
- ⊙ Collective can be faster option
- ⊙ Innovative and cost-effective methodologies

- ⊙ Participation in policy development at different levels

How building capacity for collective action and negotiation of local land users?

## 4) Supporting the policy process

### ILC supports policy negotiation processes

- counter project, inclusively – with parallel workshops, to the AU policy
- Zambia – land policy

### Building the capacity for collective action and negotiation of local land users

- Networking – change of power relations
- Increase of negotiation skills (participation to research, access information, ...)

# Other Civil Society advocacy initiatives

- ◉ International Planning Committee (IPC) for Food Sovereignty: Sharing and Strategy on Land and Resource grabs in Asia March 2010, as a part of the consultations on FAO's Voluntary Guidelines
- ◉ ROPPA - 9 country action research on land transactions in West Africa
- ◉ PLAAS and co - Land Deal Politics Initiative?