

International Statement

G8 should implement the CFS Tenure Guidelines rather than launch a new initiative aimed at increased transparency in land transactions

15 May 2013

The G8 is currently discussing an “initiative to increase transparency of land transactions and tenure”, which is to be launched at the G8 summit in June 2013.

We strongly reject and condemn the G8’s proposed transparency initiative for the following reasons:

- Transparency – and the G8 initiative – will not stop land and resource grabbing
- The G8 has no democratic legitimacy to make decisions about land, food and nutrition
- The G8 initiative on transparency bypasses and undermines the CFS

We therefore call upon the members of the G8 to:

- Abandon all plans to establish the proposed initiative
- Comply with their commitments arising from endorsing the CFS *Tenure Guidelines*, inter alia by supporting the financial Facility proposed by FAO
- Promote true accountability by regulating investors and companies based in G8 countries to disclose their involvement in land and resource grabs, and hold them legally accountable for abuses of tenure and human rights.
- Stop the implementation of the cooperation frameworks of the G8 New Alliance for Food Security and Nutrition in Africa, as well as the negotiation of new frameworks that undermine sustainable small-scale food production and local food systems.

The G8 is currently discussing an “initiative to increase transparency of land transactions and tenure”, which could be launched at the G8 summit in June 2013. Arguing that global pressure on land for food and fuel is growing quickly and will increase significantly over the next decade, the G8 initiative aims to promote transparency with regard to land acquisitions by national and international investors in order to support and increase what the G8 calls, in one of the drafts, “productive investments in land”. This transparency is to be achieved through the voluntary disclosure of information about land deals by the investors themselves, by civil society and by the governments of G8 and those of selected developing countries.

The transparency initiative is strongly promoted by the governments of the UK and Germany and could be launched at the G8 summit in the UK in June 2013. The promoters state that informal consultations have been carried out with several governments, international institutions, the private

sector, and some international NGOs. The G8 intends to launch the initiative as a global initiative in its June 2013 meeting, although implementation will at first begin only in some pilot countries.

This initiative comes at a time when we are witnessing an unprecedented wave of land and resource grabbing for industrial agriculture, extractive industry, transportation and energy infrastructure, tourism, REDD and other carbon offset projects. While there has been increasing and overwhelming evidence in recent years on the impacts of these land deals on local communities, environments and related human rights violations, and despite the fact that several governments and international institutions have expressed concerns and the urgency to regulate land grabbing, land and resource grabs continue unabated. Every day, local communities all over the world lose access to their lands and water sources, are evicted from their homes and territories, are pulled into regional-global 'value chains' as precarious plantation workers or into ecologically harmful monocultures as contract growers under inequitable terms, and face food, livelihood and physical insecurity.

The lands taken by investors are often the most fertile and productive, and sustain communities and entire populations who cultivate food and other products, provide dignified employment and make significant contributions to local and national economies. The liberalization of agricultural markets has not decreased hunger or poverty; on the contrary, the numbers of hungry people continues to increase worldwide and it is small-scale food producers (especially women) who feed over 70 % of the world's population.

However, instead of taking concrete and effective measures to arrest these trends, the G8 governments continue to discuss initiatives that are utterly inadequate, distract from the real problems on the ground and waste time and resources when what is needed are immediate actions to effectively stop and roll-back land grabbing and secure local communities' rights to resources.

We strongly reject and condemn the G8's proposed transparency initiative for the following reasons:

- **Transparency – and the G8 initiative – will not stop land and resource grabbing**

Making transparency the main agenda with regard to land grabbing will not stop it. Making transparency the primary condition for approving land acquisitions risks endangering the survival of the world's rural populations and the remaining local food production systems. There are several cases of land grabbing, where transparency simply led to more "transparent" land grabs.

One case that should warn us is Cambodia: it is one of the countries most affected by land grabs and related human rights violations. More than 2 million hectares of land have been transferred for agro-industrial production. At the same time, the Cambodian government itself has a public website regarding these land transfers¹, thus making the land grabs much more transparent than many other countries, but without lessening the devastating impacts on local people.

¹ See <http://www.elc.maff.gov.kh/en/profile.html>.

Transparency can even contribute to facilitate land grabbing, especially when ignoring the huge asymmetries of power that exist between investors, governments and local communities, many of who are poor rural people.

Communities affected by land grabbing can only claim their rights – including the right to refuse land deals – when they are sufficiently informed about the deals well before the signing of investment contracts and when their claims to land are legally recognized and respected. Even after contracts are signed, communities must be ensured the right to review and re-negotiate contracts, since all negative impacts are not likely to be evident during the period of initial negotiations. The CFS *Guidelines on the Governance of Tenure of Land, Fisheries and Forests* clearly establish the need for consultation and participation of all those who could be affected by decisions, prior to decisions being taken and of active, free, effective, meaningful and informed participation of individuals and groups in decision-making processes that affect their tenure rights (par. 3B6). Free, Prior and Informed Consent (FPIC) must include the rights of community members to withhold consent if the investment is not in their interests.

But while transparency is important, it is not an end in itself, but only a pre-condition for accountability and used in support of the larger objective of full democratization of decision-making. Only if embedded firmly within a mandatory human rights and social justice framework can transparency serve as an anchor for securing tenurial claims and rights, and ensuring positive development outcomes for affected communities. Transparency cannot by itself determine the relevance or appropriateness of land deals, or assess the multiple environmental, social, cultural and economic impacts of these deals at local and national levels. Evidence to date shows that large-scale land deals are fundamentally harmful to local peoples, environments and economies. No amount of transparency is going to transform these deals into something good.

The G8 model of transparency will further enable and facilitate land grabbing by helping investors to guard against compensation claims and land related litigation, protect their reputations and build up a global land/real-estate market.

- **The G8 has no democratic legitimacy to make decisions about land, food and nutrition**

By launching the proposed initiative on transparency, the G8 seeks to establish itself as a platform with the power to make decisions, or at least significantly influence global initiatives on land, food and nutrition. However, the G8 does not have a democratic mandate to make such decisions. The most legitimate and democratic body tasked with governance of these issues is the Committee on World Food Security (CFS), of which all G8 states are members. Further, the transparency initiative is promoted by governments of some of the most important home states of land grabbers, as the G8 themselves has acknowledged.

The proposed initiative has the same problems of legitimacy and content as the *Principles for responsible agricultural investment that respects rights, livelihoods and resources (PRAI)*, which were clumsily presented as an appropriate response to land grabbing by the World Bank, IFAD, UNCTAD and FAO, and supported by many G8 countries. Due to well-founded objections by

most governments and civil society, the PRAI were not adopted by the CFS in 2010. The new G8 initiative is attempting, yet again, to enforce the principle that money and markets decide what is best for the world – a principle that has repeatedly failed to solve any problems in the past and instead has created multiple and recurring crises.

- **The G8 initiative on transparency bypasses and undermines the CFS**

The CFS is the most legitimate and democratic multilateral governing body on food security and nutrition. The G8's proposed initiative undermines the CFS by not complying with its decisions, particularly the *Guidelines on the Governance of Tenure of Land, Fisheries and Forest*. These *Tenure Guidelines* were unanimously endorsed by the CFS in May 2012, after an inclusive consultation and drafting process that lasted more than three years. The Guidelines are the first international instrument on the governance of natural resources anchored in human rights, and set out clear principles and recommendations about how to improve the governance of tenure with the overarching goal of the realization of the right to food, focusing specifically on vulnerable and marginalized peoples. Social movements, civil society organizations (CSOs) and academics actively engaged in the consultation and negotiation processes that led to the endorsement of the *Tenure Guidelines* in May 2012 and have welcomed their endorsement, while acknowledging that they fall short in some aspects that are key to the livelihoods of small-scale food producers who produce most of the food consumed in the world. Social movements and CSOs have committed to work with states and international agencies such as the FAO, to use the *Tenure Guidelines* in order to improve security of tenure of land, fisheries and forests for small-scale food producers. By endorsing the *Tenure Guidelines*, states have committed themselves to their implementation in accordance with their existing obligations under international human rights law.

To date, however, states have failed to live up to their commitments to implement the *Tenure Guidelines* in their full spirit. Like the G8 New Alliance for Food Security and Nutrition in Africa, the proposed initiative pays only lip service to the *Tenure Guidelines*, while actually misinterpreting them in a way that serves the interests of investors by facilitating land and resource grabs. Instead of supporting coherent and joint efforts to implement the *Tenure Guidelines* according to the objectives set out in them, the G8 is planning to establish new structures. By beginning a discussion on a transparency initiative, the G8 is re-opening a discussion that has already been completed in the process that led to the formulation of the *Tenure Guidelines*, rather than complying with CFS decisions and implementing the *Tenure Guidelines* in line with their objectives.

For these reasons, we strongly reject and condemn the proposed initiative on transparency and will oppose this and all other attempts to re-establish money and market driven governance of natural resources, food and nutrition.

We therefore call upon the members of the G8 to:

- Abandon all plans to establish the proposed initiative
- Comply with their commitments arising from endorsing the CFS *Tenure Guidelines*, by
 - o Implementing the *Tenure Guidelines* in line with their obligations under international human rights law
 - o Supporting the establishment of a financial facility at the FAO, in order to ensure coherence in the implementation of the *Tenure Guidelines*. This facility should function like a trust fund and be designed in accordance with the principles of the *Tenure Guidelines*, and ensure participation, non-discrimination, transparency and accountability, and avoid conflicts of interest.
 - o Respecting the need for open-ended national discussions in multi-actor platforms, as stipulated in the *Tenure Guidelines*, with participation of the most affected people, about how to improve governance of tenure, using the *Tenure Guidelines* as reference, instead of imposing governance initiatives that lack any form of democratic legitimacy and are driven by market interests and money.
 - o Supporting the monitoring mechanism that will be put in place by the CFS to monitor the implementation of the *Tenure Guidelines* and governance of tenure, instead of creating new structures.
- Promote true accountability by regulating investors and companies based in G8 countries to disclose their involvement in land and resource grabs, and hold them legally accountable for abuses of tenure and human rights. This should include, inter alia, the introduction of: a complaint mechanism to investigate human rights abuses by investors; monitoring mechanisms in their embassies to track activities of investors; and; mandatory reporting of private and state investors on activities that may affect human rights abroad. Further, to request reports of the host states of investments on the records of investors abiding by local/national legislation and norms and respecting human rights in host (i.e. recipient) countries; to make domestic law in G8 countries applicable to extra-territorial human rights abuses and recognize victims from other countries standing in national courts; and to sanction and prosecute culprits, for example by excluding them from state procurement and limiting their range of business.
- Stop the implementation of the cooperation frameworks of the G8 New Alliance for Food Security and Nutrition in Africa, as well as the negotiation of new frameworks that undermine sustainable small-scale food production and local food systems.

In closing we note that grassroots movements of peasants, fisherfolk, pastoralists, indigenous peoples and workers in alliance with human rights, development and research organizations have intensified their resistance to land and resource grabbing in all forms. These struggles for all humanity and the planet are growing on all continents.

15 May 2013

International Indian Treaty Council – IITC

La Via Campesina

Plateforme Sous-Régionale des Organisations Paysannes d'Afrique Centrale – PROPAC

Réseau des Organisations Paysannes et de Producteurs Agricoles de l'Afrique de l'Ouest – ROPPA

World Alliance of Mobile Indigenous Peoples – WAMIP

World Forum of Fish Harvesters and Fish Workers – WFF

World Forum of Fisher Peoples – WFFP

Associazione Italiana per l'Agricoltura Biologica – AIAB

Anywaa Survival Organisation – ASO

Arab Group for the Protection of Nature

Biofuelswatch

Centre for Sustainable Development and Environment – CENESTA

Centro Internazionale Crocevia

Coordinamento di Iniziative Popolari di Solidarietà Internazionale – CIPSI

Ecologistas en Acción

Family Farm Defenders

FIAN International

Focsiv Volontari nel Mondo

Focus on the Global South

Fondazione Italiana per la Ricerca in Agricoltura Biologica e Biodinamica – FIRAB

Food First, Institute for Food and Development Policy

Food Sovereignty Network South Asia

Friends of the Earth International

EcoNexus

GRAIN

Grassroots International

Institute for Motivating Self-Employment – IMSE

International Collective in Support of Fishworkers – ICSF

International Federation of Rural Adult Catholic Movements – FIMARC

Italian Food Sovereignty Committee

Kenya Debt Relief Network – KENDREN

La Gabbianella Coordinamento per il Sostegno a distanza onlus

Marag

Movimento dei Consumatori

Movimiento Agroecológico Latinoamericano – MAELA

Pesticide Action Network Asia and the Pacific – PAN AP

Re:Common

Slow Food

Solidarité

Terra Nuova

The Land magazine

Transnational Institute – TNI

US Food Sovereignty Alliance

Why Hunger

World Family UK