



The UN Special Rapporteur on the Right to food recommends principles and measures to discipline “land grabbing”

(GENEVA and BRUSSELS, 11 June) The United Nations Special Rapporteur on the right to food, Mr. Olivier De Schutter, on Thursday proposed a minimum a set of principles and measures based on human rights in the elaboration of large-scale transnational land acquisitions and leases, more commonly referred to as “land grabbing”. His call comes at a time when Governments are preparing to negotiate on responsible investment in agriculture at the forthcoming G8 Summit.

Mr. De Schutter identified large-scale transnational land investments as one of new trends that emerged out of the 2008 global food crisis which have not been properly addressed by the international community.

Large-scale land investments can be opportunities for development, given their potential for creating infrastructures and employment, increasing public revenues and improving farmers’ access to technologies and credit. Yet they could have negative effects on the right to food as well as other human rights. Potential impacts include: the eviction of land users which have no formal security of tenure over the land they have been cultivating for decades; the loss of access to land for indigenous peoples and pastoral populations, competition for water resources and decreased food security if local populations are deprived of access to productive resources.

“These principles and measures are intended to assist both investors and host governments in the negotiation and implementation of large-scale land leases and acquisitions, in order to ensure that such investments work for the benefit of the population including the most vulnerable groups in the host country, and are conducive to sustainable development, with the progressive realization of the human right to food as the ultimate horizon”, Mr. De Schutter said. The measures are grounded in principles of international human rights law, including the right to food, the right to self-determination of peoples and the right to development; as well as in international labour legislation.

The Special Rapporteur highlighted several of the human rights principles at a press conference in Brussels on Thursday: “From a human rights perspective, the negotiations leading to investment agreements should be conducted in full transparency and with the participation of the local communities whose access to land and other productive resources may be affected as a result of the arrival of an investor. Any shifts in land use should in principle be made with the free, prior and informed consent of the local communities concerned.”

Another crucial issue is the use of investment revenues. “Investment contracts should prioritize the development needs of the local population. Arrangements under which the foreign investor provides access to credit and to improved technologies for contract farming, or obtains the possibility to buy at predefined prices a portion of the crops, produced may be preferable to long-term leases of land or land purchases,” said Mr. De Schutter.

“From a right-to-food perspective, host States and investors should also establish and promote farming systems that are labour intensive – instead of highly-mechanized operations – in order to ensure that investment agreements contribute to reinforcing local livelihood options and provide living wages for the local population, which is a key component of the human right to food. Sustainable agriculture, in particular agro-ecological approaches and low external input farming practices should also be privileged in contract agreements. A safe and productive environment is indeed an element in the realization of the right to food for local communities”.

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The Special Rapporteur recommended conducting impact assessments prior to the finalization of the contract and later at pre-defined intervals, in order to highlight the consequences of the investment on local employment and incomes; on access to productive resources of the local communities and on the environment. Investment agreements should also include a clause providing that a certain minimum percentage of the crops produced shall be sold on local markets, with specific conditions set if prices of food commodities on international markets reach certain levels.

The Special Rapporteur said he expects these human-rights-based measures will help bring about a consensus on the establishment of a multilateral approach. “A multilateral approach could avoid beggar-thy-neighbour policies, with countries competing against each other for the arrival of foreign direct investment and thus lowering the requirements imposed on foreign investors. It could provide increased legal certainty for the investors and shield them from the risk of reputational losses if they comply with the principles”.

According to Mr. De Schutter, the human rights framework is thus not only an obligation for states, but an opportunity: ‘While these measures may give the impression of representing additional constraints, they should be seen as true success factors in the short and long term. Land represents not only the main means to access and procure food for millions of smallholders and their families, but it is also an essential element for the identity of certain peoples and communities. If investment agreements work against these aspects, they may backfire. Human rights principles and standards can, once more, guide this emerging trend.’

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For the full text of the Special Rapporteur’s statement, please visit: www.srfood.org or www2.ohchr.org/english/issues/food/index.htm

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***Olivier De Schutter** was appointed the UN Special Rapporteur on the right to food in 2008 by the United Nations Human Rights Council. He is independent from any government or organization. He teaches International Human Rights Law at the Catholic University of Louvain (Belgium).*

***The right to food.** Under Article 11 of the International Covenant on Economic, Social and Cultural Rights, every State is obliged to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger. The obligations of the State are threefold: to respect, protect and fulfil the human right to food. The State is obliged to refrain from infringing on individuals’ and groups’ ability to feed themselves where such an ability exists (respect), and to prevent others - in particular private actors such as firms - from encroaching on that ability (protect). Finally, the state is called upon to actively strengthen individuals’ ability to feed themselves (fulfil).*

***Large-scale land acquisitions.** According to an estimate from IFPRI, between 15 and 20 million hectares of farmland in developing countries have been subject to transactions or negotiations involving foreign investors since 2006. This already represents the size of France’s farmland. Among the main target countries in Sub-Saharan Africa are Cameroon, Ethiopia, the Democratic Republic of Congo, Madagascar, Mali, Somalia, Sudan, Tanzania and Zambia.*