



Food for Life Campaign

Review of the Civil Society Organizations' Proposals to the FAO Guidelines on Responsible Governance of Land and Natural Resources Tenure

The Ecumenical Advocacy Alliance (EAA) is a network of churches, church related agencies and Christian organizations seeking to live out faithfully our vision of being effective advocates for a just, peaceful and sustainable world. The EAA currently has 73 members.

We welcome the first draft of the Civil Society Organizations' Proposals to the FAO Guidelines on Responsible Governance of Land and Natural Resources Tenure as part of the process towards the development of the Guidelines.

“Give us this day our daily bread” is a petition repeated by millions of Christians around the world everyday as they pray the Lord’s Prayer (Matthew 6:10-14). Guidelines that respect and promote the right to food, and the land ownership rights of small scale farmers, are key to achieving the same.

EAA is of the view that without a fundamental turnaround in policies regulating large-scale land investments, a greater challenge lies ahead to fulfill the Millennium Development Goals by 2015. Land grabbing often leads to loss of productive resources, land conflicts, forced evictions and increases in the price of land, water and other natural resources. Such processes contribute to violations of human rights and increasing difficulties for people who depend on land for their livelihoods, such as smallholder farmers, indigenous groups and pastoralists. We believe that security of land tenure is essential to ensure that small scale farmers and communities enjoy food security.

EAA hereby submits the following comments and contributions towards the Civil Society Proposal to the FAO Guidelines:

Title of Guidelines

The EAA proposes that the title of the Guidelines be changed to **FAO Guidelines on Responsible Governance of Land, Territory and Natural Wealth**.

Proposal to Insert an Executive Summary

The EAA notes that the length of the document is unwieldy, and it would be helpful to add an executive summary outlining the main points highlighted in the document For example:

“Introductory paragraph – with explanation that these are the CSO guidelines in summary with explanation in the body of the paper... Some language like this to simply explain each point...

Guideline 1. Shared and Self-managed Territories – All the parts of the earth and nature are the spaces and environments for life and culture with multiple purposes, one of which is production.

Guideline 2. Commons and Collective Rights over natural wealth – The wealth of nature is for humans and all creatures and require collective rules and stewardship.

Preamble

We are missing the point that access to land is key for realizing the right to food, which CSO had fought for in the Voluntary Guidelines on the Right to Food.

Background (p3)

We propose an amendment to the first paragraph, to highlight also the statistics regarding women who do not have access to land, given the contribution of women to global food security. The proposed text is: **“Women account for 70 percent of the world’s hungry and are disproportionately affected by malnutrition, poverty and food insecurity. However, according to the Report of the Human Rights Council Advisory Committee Study on discrimination in the context of the right to food, despite representing more than 50% of the agricultural workforce and production, women are estimated to have access to or control 5 percent of the land globally.”**

Paragraphs 2, at the end of the paragraph add: **““This means that at least one seventh of the world’s population still live in hunger. With five years left to achieve the Millennium Development Goals, it is thus urgent to go beyond voluntary guidelines and to establish mandatory guidelines on responsible governance of land and natural resource tenure.”**

As much that has been done in the name of development promotes macro-economic models of industrialization and liberalization, somewhere at the beginning a short paragraph should recall and elaborate on the concept of sustainable development (refer to Earthcarta or the like).

What must States do to implement their human rights obligations? (p9)

In paragraph five where there is mention of state obligations under the ICESCR to respect, protect and fulfill, it is important to highlight the Optional Protocol to the ICESCR following: **“...victims of gross human rights violations have the right to reparation.”**

The proposed text should read: **“The right to reparation for violations of economic, social and cultural rights is provided for by the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted on 10 December 2008. The Protocol allows for individuals and groups to file complaints regarding violations of economic, social and cultural rights and provides an opportunity for people to claim their rights under this treaty. The Optional Protocol also assists governments to identify gaps in the protection of economic, social and cultural rights in their respective countries and provides a framework for governments to listen to people living in**

poverty as a way of ensuring that no one is left out from efforts at social and economic development.”

Environmental Instruments (pg 11)

First paragraph-The name of the treaty following the CBD is: **“The International Treaty on Plant Genetic Resources for Food and Agriculture.”**

The section on environmental instruments is **highlighted to be added later**. Below is our proposed text:

“These environmental agreements are based on international principles relevant to the governance of land. The report of the Brundtland Commission on Environment and Development (1987) recognizes the principle of sustainable development, that utilization and management of the environment and natural resources should be in such a way as to meet present development interests and aspirations without jeopardizing the interest of future generations to enjoy the same. Article 4(1) (i) of the Climate Change Convention; Article 3 (a) of the Desertification Convention and Articles 13, 14 (1) (a) of the Convention on Biological Diversity recognize the importance of promoting public participation in development and environmental conservation. This entails the right of participation by communities whose land rights are being affected. Article 8 (j) of the Convention on Biological Diversity also recognises traditional lifestyles of communities, sovereign rights of communities, benefit sharing mechanisms, community resource rights and the principle of prior informed consent.”

Guideline 14 on TNCs was the least developed, while perhaps being one of the most important. The comments show the problems but don't give any recommendations about how they can be dealt with, except at the international level with a court. This would be an advance, but it seems some of the remedies could come through reform to international trade agreements. What is being requested in that first paragraph has implications for trade policies and rules (FTAs and WTO), which probably should be mentioned.

General comments on standards:

The EAA very much underlines the principle of free, prior and informed consent. We are happy that this has been defined. However, we do wish that strategies for implementing this principle could be described more.

We would also like to see the strengthening of participatory land use plans (mentioned on page 18), for the local control of the land reserves. (We are not certain that this should be carried out by the state: often governments are far away from the concerns of marginalized.)

The EAA would also like to propose that mechanisms on how to deal with different power relations should be developed (as we are demanding concerning the vertical integration of agro-business – which controls the whole value chain, from land, seed, trade to food), mentioned on page 19.

Guideline 5 (page 21) Where can people go to claim their rights (courts, etc). What about failing states and corruption?

Guideline 7 (page 22/23) Regulation of investment should include transparency (of the process, of the contracts).

Land grabbing (on page 23) needs to be defined.

Guideline 10 (page 28, 3rd paragraph): “In no case can resettlement lands, housing or the access to natural wealth be in worse....The access to sufficient and adequate food and livelihood should be the same – if not better – after an intervention (for this and also for the next generation).”

Some formulations will be difficult for guidelines that should be applicable globally: e.g. page 4, 3rd paragraph, “colonial and postcolonial regimes”. Should refer rather to historically caused inequality in society. This formulation could then also be applied to land grabbing in Russia, and to situations of caste-based, ethnic and religious discrimination.

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The **Ecumenical Advocacy Alliance** is a broad international network of churches and Christian organizations cooperating in advocacy on food and HIV and AIDS. Currently the EAA has 73 members. The Alliance is based in Geneva, Switzerland. For more information, see <http://www.e-alliance.ch/>