



Chair's Summary

CFS-RAI Regional Consultation for Asia and the Pacific

Pattaya, Thailand

March 3rd and 4th, 2014

General Statements:

- Investment is important to reduce hunger, malnutrition and poverty with additional development benefits; but investment alone cannot resolve these problems.
- The document should reflect a balance between the negative and positive impacts of investment in agriculture and food systems
- Food importing countries have different needs and challenges than food exporting countries, and the principles should account for and reflect these differences.
- Foreign direct investment as a need and also a challenge of how to manage capital rich countries investing in resource rich countries and implications for smallholders, land, water, and other resources.
- The principles should not just address the current situation, but also be forward looking to address the food security and nutrition needs in the coming years.
- The principles could be misinterpreted as they stand now in the Zero Draft to discourage investment instead of encourage it.

1) Are all relevant issues and areas related to fostering responsible agricultural investments adequately addressed in the Zero Draft? If not, what should be changed?

Participants noted the following areas as requiring further attention in the document:

- Smallholders should be central to the document – including subsistence, pastoralists, indigenous, landless. Specifically the need to build capacity of smallholders to invest should be emphasized.
- Medium and large investors play an integral role as well and this should be clear in the document
- Land grabbing, property rights, use of the commons, and threats from other uses (mining).
- Not only about increasing food production but if we want to address food security and nutrition, we also need to address access, in terms of infrastructure, prices, etc.
- FPIC should be extended beyond just indigenous people to include all people affected by investments
- Go beyond just production side – transportation and infrastructure along the chain
- Innovation and technology – traditional versus corporate interests and unequal power relations versus benefits. Farmers should have the ability to choose what they want to use.

- Pastoralists and natural resource use and needs, as well as the effects on nutrition for pastoralist based economies as a result of unsustainable resource use
- Sustainable livestock production including animal health and welfare
- Youth – engagement, education, incentives
- Core labour standards, decent work and discouraging abuse, e.g. human trafficking
- Food workers rights, related to labour, social security, and the need to incorporate ILO conventions and a human rights approach
- Food safety
- Diversity of agri-investors and agri-systems
- Transportation and costs of transport effect on food security on nutrition
- PPPs – role in addressing food security and feeding the world. Complimentary investments of different stakeholders to work together and how to integrate value chains to deliver greater benefits at all stages of the value chain, particularly for farmers and indigenous people.
- Look at different models and understand that investment needs to be profitable. Investments are successful when they include benefit sharing – economic, social, and environmental. All should benefit from the RAI principles.
- Implementation and monitoring, but not in a way that overburdens investors
- Biofuels – agriculture also includes non-food production and this must be considered with food security and nutrition
- Cultural responsibility and cultural identity associated with food security and nutrition needs to be strengthened in the document
- Farmer access to native seeds, plant, animal and fish varieties as well as indigenous knowledge
- Address climate change and the need to build resilience, including fostering diversity of varieties
- Environmental issues – fertilizer and pesticide use and influence on soil degradation
- Post-harvest loss and waste
- ‘Greening’ of agriculture and food systems
- Agro-ecology, agro-biodiversity, and plant genetic resource conservation
- Sustainable forest management
- Water and irrigation
- Extreme weather conditions and effects of climate change
- Forestry and fisheries
- Nutrition and health – does not have the same weight as food security in the Zero Draft. Nutrition related to non-communicable diseases.
- Food sovereignty and the role of each country to apply the principles in their national context
- Food prices and the role of the state in food price fluctuation
- Data collection and management

2) Are the roles and responsibilities of relevant stakeholders clearly defined in order to facilitate implementation of the principles? If not, what should be changed?

Regarding roles and responsibilities, the following comments were made:

- Need for more clarity among roles

- Address roles and responsibilities in one section at the end in order to reduce redundancy
- Should be practical and look at the related costs
- Smallholders and Farmers roles are not addressed including producing food, preserving the natural environment, etc.
- Role of medium scale investors
- Consumers and communities are only addressed in the introduction and not in roles and responsibilities
- Governments have a role to not only provide public goods, but also services such as extension, research, information, etc.
- Responsibility of states to report on right to food and human rights, but should not overload the regulations and also keep in mind costs
- Governments that receive investment are responsible to provide an enabling institutional environment, and transparent laws and regulations; and also capacity building for women, labourers, and marginalized stakeholders
- Gov't role should be combined with other stakeholders to increase efficiency to address the common role of all stakeholders
- Role of gov't in determining what crops and what kinds of investors
- Role of states in ensuring remunerative prices for farmers through:
 - Regulating national, international food markets
 - Curbing food price speculation
 - Building food production within national markets
- Gov't role to stop land grabbing and deter unsustainable agriculture
- States have a responsibility to ensure fair contracts in developing PPP, contract farming, and other investment models,
- Gov't role is to increase access to credit for smallholders
- Multilateral institutions' role should be addressed with more prominence
- Role of the Rome based agencies should be included
- Controversial discussion of how we deal with bilateral investment treaties

3) Does the Zero Draft achieve the desired outcome to promote investments in agriculture that contributes to food security and supports the progressive realization of the right to adequate food in the context of national food security? If not what should be changed?

- If we take into account Guiding Question 1 and 2, then the answer to 3 can be yes
- Principles should be action oriented.
- Investments are at the project level and the principles need to be more specific in order to be implementable by investors.
- To achieve the goal of food security and nutrition we will need effective implementation mechanisms and information sharing systems
- The principles need more consideration on how to balance various investment scales with the diversity of production and investment models.
- The principles should be structured in a way that doesn't increase the regulatory burden on investors, but rather enhances and improves upon existing voluntary standards.

- Controversial discussion on the application of the principles with regard to trade agreements. Some participants were concerned about the principles being used as a non-tariff barrier to trade and others were interested to see the principles mainstreamed through existing and future trade agreements.
- Controversial discussion about local versus market oriented food systems – which is the solution, which should be the focus of the document
- Sustainability and resilience of agriculture and food systems are key to achieving the objective

4) The principles are intended to provide practical guidance to stakeholders; therefore:

4a) Are the current structure and language used clear and accessible for all relevant stakeholders to apply?

Chair's Summary

- Voluntary so the wording should be appropriate, not 'ensuring' or 'obligatory'
- Needs to be shorter, clearer, and more concise
- Reduce redundancies
- Roles of stakeholders need to be clearer
- Define key terms, e.g. responsible investment, small-scale producers and processors
- Focus should not just be on production, but other aspects of food security and how to bring smallholders capacity to the next level.
- Structure could be clearer by shortening the principles to 3 pages, followed by an Annex with roles and responsibilities, and an Annex with Grievance Mechanisms and Impact Evaluation

b) What steps need to be taken for the CFS-RAI principles to be used and implemented by different stakeholders after endorsement by CFS?

Participants suggested the following approaches for implementing the CFS-RAI principles:

- Implementation should be government led as a result of national ownership of the principles
- The right to food should be included in national constitutions to facilitate development of national policies, procedures, and guidelines which incorporate the principles
- Some actors are ready to act, but in order to take actions all stakeholders need to collaborate
- Awareness raising and capacity building, is needed in order to implement RAI
- RAI should look at long term vision for the next generation
- FAO should play a key role in dissemination and publicity to reach a broader audience, including development banks, other UN Agencies, etc. who then can further disseminate information
- We would like to see in implementation who will monitor when people commit to implement?

Annexes

Annex 1. Break – Out Group Templates

Reporting Group 1

BACKGROUND AND RATIONALE
Gaps and/or redundancies: No definition is given on what does it meant by responsible investment and we have suggestions to change the languages • A clear definition should be given to the document • In the 2nd para some colleagues said that the substantial (increasing trend) but it was not consensus • Two word health risks and resilience can be added at the end of the last sentence.
OBJECTIVE, NATURE AND SCOPE
Gaps and/or redundancies: Small producers, small holders and workers (agriculture and food systems) are not well covered even not mentioned in the scope

Suggestions for improvement

The team suggesting to add the following words at the end of the main objectives- by utilizing natural resources sustainably and without avoiding the negative impact on environment • Therefore, Small producers, small holders and workers positions are need to be cleared in the scope and nature.
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PART I: FOOD SECURITY, NUTRITION AND SUSTAINABLE DEVELOPMENT (ECONOMIC, SOCIAL, ENVIRONMENTAL AND CULTURAL ISSUES)

FOOD SECURITY AND NUTRITION AND THE PROGRESSIVE REALIZATION OF THE RIGHT TO ADEQUATE FOOD IN THE CONTEXT OF NATIONAL FOOD SECURITY PRINCIPLE 1
Gaps and/or redundancies: In objectives the international investment is not covered. At the end of first objectives `` international investment may support range of markets and be of value all locals. All Application would be changed by the word Implementation There should be a new bullet under Implementation One comments that the word require can be changed benefit from under the title of the Application/now implementation • Strengthening research and development capacity to promote sustainable agricultural development •
ECONOMIC AND SOCIAL ISSUES PRINCIPLE 2
Gaps and/or redundancies:

• Additional protection on land grabbing and encroachment and land use conversion (from agricultural to other purposes) was not covered. • • seven additional objectives can be added • Adequate protection on land grabbing and encroachment and land use conversion • Strengthening farmers institutions as important tool for empowerment • Protecting the rights of small farmers and workers through trade union • Application of proper land use planning measures • Strengthening social cultural food systems with respect to customary remedy that assures food security • Opportunity for import substitution, the farmers should be given priority Under Implementation- The state takes responsibility of protecting the rights of the indigenous peoples. The definition of child labour is further needed clarification. Strengthening the development to value chain involved the farmers to gain value added and improved livelihood
ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE PRINCIPLE 3 Gaps and/or redundancies: • Resilience is not covered • Under principle 3 one bullet point can be added as building resilience • Intensified agriculture or integrated agriculture is not included in objectives • One additional objective can be added under objectives- • Assurance of minimum income/price to farmers to retain him/her and his/her land in the same sector • Definition of the phrase `sustainable use` need to be cleared under objectives • Intensified agriculture or integrated agriculture can be added after the word including under objective under first bullet • Establishing agreements that facilitates agricultural inputs in the recovery of disasters affected nations under application/implementations
CULTURAL ISSUES PRINCIPLE 4 Gaps and/or redundancies: • Under principles this section does not tackle the questions on how to reconcile local cultural systems which clash with general accepted principles of human rights • It is important to apply this principles in a non-exclusive manner-modern technology is assessed on its merits taking into account specific local needs No suggestions
ROLES AND RESPONSIBILITIES FOR PART I Gaps and/or redundancies: • No roles of the farmers/small holders are not mentioned • Definition of large scale, small scale or medium scale and subsistence farmers is not given • Investors roles are too big and mentioned under different sections • The roles of the state, investors should be concise and brief

Suggestions for improvement

• In all sections the roles and responsibilities of the farmers need to be added • One point can be added under the state's role • The roles of the state, investors should be concise and brief • Government to support innovations

- Bullet point 2 and 5 can be merged together to avoid redundancy
- Develop, promote and strengthening the farmers organization
- **New bullet under state role**
- Tariff and tax systems incentives should be encouraged which gives farmers comparative advantages over import substitutions
- **Under Investors are called to**-add new one word under 4th bullet
- The word **national** before international
- **Under Investors are encouraged to**-add new bullet
- Involve the small holder farmers in the development of more efficient value chain
- Under the last para of the page 7 after the principal word (not in the scope of CSOs including Trade Unions, farmers organizations, CBOs) needs to be added

PART II POLICY COHERENCE AND SECTOR DEVELOPMENT

PRINCIPLE 5
Gaps and/or redundancies: • Import substitutions are not covered under state roles • Nothing is mentioned on migrant agricultural workers to protect their rights and family members
ROLES AND RESPONSIBILITIES FOR PART II
Gaps and/or redundancies: • One bullet point can be added under state role- • Ensure import substitutions for farmers who produces locally •

Suggestions for improvement

One new bullet point under the States are encouraged to- The state responsibility should be consistent so that food security measures are inclusive under the national priority. • The word National can be added before international under Furthermore States are called to (page 9) • • The word National can be added before international core labour standards under States of Origin of transitional investors.....bullet point 2 (page 9) and also need the clarification of highest environmental management standards of the same bullet.

PART III GOVERNANCE, GRIEVANCE MECHANISMS AND ACCOUNTABILITY

GOVERNANCE AND DECISION MAKING PROCESSES
PRINCIPLE 6
Gaps and/or redundancies: • Gaps some wording in principles • Under principles at the end of the second bullet add and other communities just after indigenous peoples • New bullet points should add • Governments must have a fair, level, consistent playing field •
GRIEVANCE MECHANISMS
PRINCIPLE 7
Gaps and/or redundancies: New bullet und principle 7

tradi - The word conciliation and other alternative dispute resolution such as customary and traditional approaches and can be added after the word mediation under 2nd bullet - The word fair can be added after independent under rationale of principle 7
REVIEW MECHANISMS AND ACCOUNTABILITY PRINCIPLE 8
Gaps and/or redundancies: - Some gaps in principles 8 in general (because it does not clear the principles) Suggestions- - Proposal to add the words after food systems comply with national and local regulations - At the end of the word review new sentence- Monitoring must be paid in original agreement and national law be practical and cost effective
ROLES AND RESPONSIBILITIES FOR PART III
Gaps and/or redundancies: No specific gap but some suggestions to improvements

Suggestions for improvement

- New bullet under the States are encouraged to- (page 12) - States are encouraged to facilitate the remedy of dispute among the actors based on the national and taking into account the international regulations - A proposal to strike out the sentence under the para started Research Institutions starting by CSOs are also.....principles. but some other oppose to strike out the sentence.

Reporting Group 2

BACKGROUND AND RATIONALE
Gaps and/or redundancies: - Too long. - Repetitive and overlaps present. The structure should be done avoiding confusion of rationale and principles. It should be outlined. (Cover page, acronyms, definitions and outline, main parts) - Needs justification (Why do we need these principles) - Methodology - It should be structured based on type of stakeholders, role of different investors. On the first page, role of the stakeholders. - Before the principles, there should be definitions (terms and stakeholders: who is farmer, pastoralist, indigenous people, peasants; food security, food sovereignty, etc) on the first page. - There is a gap in the text of what does "responsible" mean? Has to be defined and explained. - P 1,2,3 and 5 are overarching/broad. P 4 and 6 refers to governments, P 7 refers to mechanism – action that would be... P 8 should be improved. - P 5 mentions policies and regulations is a good solution for everybody. P 5 refers to VGGT. Coherence of VGGT in relation to national laws, it is not just about the government, it is for all the stakeholders including the indigenous people. - Should have a separate paragraph that indicates the purpose of RAI to be direct interest of facilitating food and nutrition security. - Another objective of RAI could be to direct existing interest and capital for investments, whether domestic or foreign, to appropriate channels within invested country. - The responsible investment should be understood as inclusive process
OBJECTIVE, NATURE AND SCOPE

Gaps and/or redundancies:

- It says more background and rationale than the objectives.
- There are gaps on eradication of hunger and enhancing food security investment. There is not much about the climate change impact.
- The issues of indigenous people etc are not in this section.
- Enabling investment for climate change resilience for agricultural entrepreneurs is missing
- Objective, scope and nature should be in separate sections.
- 1st paragraph of Objective section should include (in addition to “in the context of national food”): (with semi column) regional and global food security. Example: Global food system could serve as an insurance for climate change events/natural disasters affecting local food systems.

Suggestions for improvement

- It should be **consistent!** (for example: “climate change” should also be mentioned in the objectives; state or government? Women and children, food and nutrition security etc)
- Must be gender sensitive

**PART I: FOOD SECURITY, NUTRITION AND SUSTAINABLE DEVELOPMENT (ECONOMIC, SOCIAL,
ENVIRONMENTAL AND CULTURAL ISSUES)**

FOOD SECURITY AND NUTRITION AND THE PROGRESSIVE REALIZATION OF THE RIGHT TO ADEQUATE FOOD IN THE
CONTEXT OF NATIONAL FOOD SECURITY

PRINCIPLE 1**Gaps and/or redundancies:**

- Need to talk about green product/ green agriculture (free of chemical fertilizers) linking to the food security and nutrition and food safety. Instead of saying right to adequate food, it should be “right to adequate **and safe** food”. (Principle 1 Bullet point 2)
- *contribute to the progressive realization of the right to adequate food in the context of national security”: to include (semi column) regional and global food and nutrition security **BE CONSISTENT!**
- Pacific Islands face greater problems with nutrition security rather than food security. Depending on specific characteristics of countries, it should reflect “Food and Nutrition security”. All the words as food security and nutrition should be changed to Food and nutrition security. Except when you are referring to the national food security, then it refers to the national food security and food sovereignty.
- In the context of national food security, it should say “**national food security and food sovereignty**”. (locally produce, locally consume, locally market)
- About the investment, it will be different in countries. We need a baseline. In case of Nepal, investment in creating baseline
- In the sentence: adequate utilisation requires adequate diet alongside other factors such as clean water and sanitation, food preparation practices, **+distribution**, healthcare, education and women’s empowerment.

ECONOMIC AND SOCIAL ISSUES

PRINCIPLE 2**Gaps and/or redundancies:**

- **OPTION 1:** It says generate positive socio-economic impacts for all, especially women and children
- **OPTION 2:** Keep “impacts for all”, remove “women and men”, but emphasize in the rationale part “...women and children” in the last sentence of Para 1 of Rationale: “These benefits should not bypass members of vulnerable groups, especially women and children”

ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE

PRINCIPLE 3
Gaps and/or redundancies: • Add: “conserve” in addition to “use, develop and regenerate natural resources sustainably” • Add: climate change mitigation, adaption and develop “resilience” • Objectives: add: * RAI contributes to building resilient communities; * Contribute to conservation, sustainable use, development and regeneration of natural resources
CULTURAL ISSUES PRINCIPLE 4
Gaps and/or redundancies: • Encourage investment in KAP (knowledge, attitude and practice) • Respect cultural heritage and traditional custom and knowledge consistent with national laws and international agreements. Cultural heritage comes from custom.
ROLES AND RESPONSIBILITIES FOR PART I
Gaps and/or redundancies: • Too long, should be clear and precise • Research and educational institutions should focus on the implementation of the Development part of R&D. • Research about KAP, under-utilization of food, agro-ecology and agro-biodiversity is required • Add roles and responsibilities of small holder/producers • Small holders should be able to manage the sustainable use of land with support of government • The small holders must be participants in monitoring and implementation • In the role of states, to develop and enhance “PPP” is important • Develop program for small scale producers such as empowerment, capacity building • Not just to facilitate non-discriminatory access but also to Ensure the respect of rights holders whether it is water, land tenure issues

Suggestions for improvement

- Definition of traditional heritage and landscape depending on different practices of countries
- In terms of format, improve the document for more user-friendly: Who (stakeholders)? What are the obligations? What are encouragements? Should be made in table format to understand it clearly.

PART II POLICY COHERENCE AND SECTOR DEVELOPMENT

PRINCIPLE 5
Gaps and/or redundancies: • To include treaties/conventions in Principle 5: “supported by policies, laws, regulations, treaties/conventions” • RAI Principle 5 can promote the inclusion of right to food sovereignty by states in their respective National Constitutions/laws. • There needs to be consistency in the ordering of laws/policies/regulations -> suggestion to cover each section by section • Last paragraph should not be obligatory of governments of investing countries
ROLES AND RESPONSIBILITIES FOR PART II
Gaps and/or redundancies: • Ensure national government and governments of countries investing should be accountable to respect human rights!!! • Second last paragraph is complicated to understand wordings: opinion 1: to keep the sentence They should introduce reporting and reviewing.. opinion 2: to erase it or make it into 2 separate sentences referring to human rights and corporate social responsibilities

- Governments should have the sovereign right to procure food from the small scale holders to build public stockholding and to distribute to the poor to address the food and nutrition security. Food and nutrition security is non negotiable. It should not be subject matter of the WTO.

Suggestions for improvement

- Conservation and use of marginal land
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PART III GOVERNANCE, GRIEVANCE MECHANISMS AND ACCOUNTABILITY

GOVERNANCE AND DECISION MAKING PROCESSES
PRINCIPLE 6
Gaps and/or redundancies: • Implemented with meaningful consultation and participation of affected communities and free, prior and informed consent of (not only indigenous people but also all small scale producers • In the application part: it should be through their chosen representatives and open public consultation • In the application part: next sentence: effective and meaningful consultation with indigenous peoples, through open public consultation and their own representative institutions ... • Reconsider using the chosen representatives in terms of feasibility and applicability
GRIEVANCE MECHANISMS
PRINCIPLE 7
Gaps and/or redundancies: • Fair, effective, affordable and timely mediation, administrative or judicial remedies •
REVIEW MECHANISMS AND ACCOUNTABILITY
PRINCIPLE 8
Gaps and/or redundancies: • The principle and applications here are good. But it has to be strengthened at macro level •
ROLES AND RESPONSIBILITIES FOR PART III
Gaps and/or redundancies: • •

Suggestions for improvement

- Consistency
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Reporting Group 3

BACKGROUND AND RATIONALE
Gaps and/or redundancies: • Why do we need to promote investments and doing it responsibly? Need statistic to prove the rationale • Who are the investors? Public and/or private • Should bring the rationales from all principles to be included in the beginning of the document. • The principles should be measurable and applicable for both investors and recipients.
OBJECTIVE, NATURE AND SCOPE
Gaps and/or redundancies: • Include animal welfare/health. • Bullet 3: Intergovernmental and regional organizations, including bilateral/multilateral/... • Stress the importance of small farmers, workers, or investment recipients. • Need to concentrate food security at local level. • Define human rights such as right to land and right to adequate food. • Stakeholders: bilateral, multilateral, multinational donors and foundations.

Suggestions for improvement

• Terminology of responsible investment, small farmers and investors. (more clarification) • Equity and discrimination and gaps •

PART I: FOOD SECURITY, NUTRITION AND SUSTAINABLE DEVELOPMENT (ECONOMIC, SOCIAL, ENVIRONMENTAL AND CULTURAL ISSUES)

FOOD SECURITY AND NUTRITION AND THE PROGRESSIVE REALIZATION OF THE RIGHT TO ADEQUATE FOOD IN THE CONTEXT OF NATIONAL FOOD SECURITY PRINCIPLE 1
Gaps and/or redundancies: • Maximize positive impacts and minimize the negative impacts from investment. • More substantive for using the word nutrition • Add “global level” in objectives • China: Application 1 ..., including women and aging labor. • Application 2an enabling environment such as policy and food security plan for increased food production; • Should not focus on technology to increase productivity, should focus on increasing availability. • Application 2 add “ reduced post-harvest losses and food waste”. • Make a clear position of farmers. Add sub-principle “enhance small farmers’ role in food security as important producers.”
ECONOMIC AND SOCIAL ISSUES PRINCIPLE 2
Gaps and/or redundancies: • Bullet points for Application part to be consistent with the objectives • Objective 2 to add “promote and encourage children and youth participation in agriculture and farming.” •workers, genders, races (Application) • Respect workers’ right and migrant workers. • Respect existing rights to land and land use.

The outcome of investment should increase the livelihood of farmers.
ENVIRONMENT, NATURAL RESOURCES AND CLIMATE CHANGE PRINCIPLE 3
Gaps and/or redundancies: - Add “biodiversity” in the Objectives to be consistent with Application - Include animal welfare/health - Strengthening capacity building on biosafety
CULTURAL ISSUES PRINCIPLE 4
Gaps and/or redundancies: - Need to clarify in sub-principle 1 between cultural heritage/landscapes/traditional knowledge” and “international agreement” How can they apply in practical?
ROLES AND RESPONSIBILITIES FOR PART I
Gaps and/or redundancies: - What states are encouraged to: Bullet 6: balanced diet and nutrition/ Bullet 8 should be consistent with the Principle 2 - Add services in para. 1 “pubic goods and services” - Replace “monitor” with “implement” in the last para. - bilateral, multilateral, multinational donors and foundations.

Suggestions for improvement

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PART II POLICY COHERENCE AND SECTOR DEVELOPMENT

PRINCIPLE 5
Gaps and/or redundancies: Application: Furthermore, for prompting investments in agriculture... (should be too inclusive and plausible)
ROLES AND RESPONSIBILITIES FOR PART II
Gaps and/or redundancies: - Promote policy guidelines. - Para. 3: Furthermore, ... obligations under national and international laws, including when ... investment treaties, as appropriate, with other countries.

Suggestions for improvement

- Application: bullet format to be consistent with the objectives.
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PART III GOVERNANCE, GRIEVANCE MECHANISMS AND ACCOUNTABILITY

GOVERNANCE AND DECISION MAKING PROCESSES PRINCIPLE 6
Gaps and/or redundancies: Sub-principle 2: Implemented with ... informed consent of indigenous/local people.

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GRIEVANCE MECHANISMS PRINCIPLE 7
Gaps and/or redundancies:
• -
•
REVIEW MECHANISMS AND ACCOUNTABILITY PRINCIPLE 8
Gaps and/or redundancies:
• -
•
ROLES AND RESPONSIBILITIES FOR PART III
Gaps and/or redundancies:
• Need to clarify how to “cooperate in non-judicial mediation mechanisms to provide remedy;” (should be clear and must be legal settlement)
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Suggestions for improvement

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| <ul style="list-style-type: none"> • Who would be the evaluator of the actions under these principles? • How to evaluate? |
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Annex II. Written Comments

Thailand Comments regarding the proposed questions 1-4 on the CFS-Principles for Responsible Agricultural Investments in the context of Food Security and Nutrition (March 3-4, 2014, Pattaya, Thailand)

Question 1

Thailand supports the initiation of CFS-RAI guidance in principal. Regarding our comments on the scope of this zero draft, we are of the view that there are many issues related to RAI and food security that should be included in the guidance.

First, the issue of land grabbing, we would like the principles to highlight on how investors must do to respect existing rights to land and land use.

- Post-harvest losses and food waste
- Promote and encourage children and youth participation in agriculture and farming
- Green production: Due to the trend of consumers around the world, the agricultural investment should be focused on green production.

Question 2 Are the roles and responsibilities of relevant stakeholders clearly defined in order to facilitate implementation of the principles? If not, ..

Thailand would like to point out that the roles and responsibilities of all stakeholders identified in the first page under the objective, nature and scope for part 1 to part 3 in this zero draft still lack of the details of involvement of farmers or smallholders, communities, consumers and food insecure people; therefore, all stakeholders's roles and responsibilities should be added in RAI principles.

And the roles and responsibilities of governments to stop land grabbing and investments in unsustainable agriculture should be clearly spelt out.

In addition, these principles should be able to use for farmers who currently are both investors and investment recipients in practical.

Question 3

In order to reflect our view on the zero draft, we would like to reiterate that the draft of principles should focus clearly on how responsible investment in agriculture and food systems can enhance or strengthen local, national, and global food security. The benefit sharing among relevant stakeholders such as investors, farmers, and community or consumers should be discussed under each principle.

The document should be clearly stated that sustainability and resilience of agricultural production systems must be our definite goal and guidelines for responsible investment. In the part of objective, nature and scope should also mentions that the outcome of these principles should not be applied to be non-tariff barriers to trade on agricultural and food products in the future.

Question 4

a) The final version of the principles needs to be concise and focused. There is also the need to define various terms such as investment, state and sustainable agriculture which may require internationally understanding.

Since this document is on a voluntary basis, the wording shall not use too strong meaning words such as the word 'obligated' should be replaced with 'encouraged' and the word 'support' should be replaced with 'facilitated'.

b) CFS should publicize and disseminate the principles throughout all forum that all relevant stakeholders engaged under and outside the UN system such as UNESCAP, UNCTAD, World Bank, IFAD and Farmer's Association to create the same understanding and synergy among them. This should be able to motivate them to implement the principles practically.

Civil Society Mechanism (CSM) Statement
3, 4th March 2014, CFS RAI Consultation for Asia and Pacific

The Civil Society Mechanism (CSM) is pleased to participate in the Asia Pacific regional consultation on the Zero Draft of the RAI Principles. We come from 13 organizations representing different small producers like small farmers, indigenous, rural women, pastoralists, and agricultural workers, as well as representatives from rural development NGOs in the Pacific, Southeast Asia, Northeast Asia and South Asia.

We recognize that the Zero Draft (ZD) has taken into account broader principles and values such as human rights. However, Internationally-Agreed Development Goals (IADGs) have not been cited clearly along with other issues that are important to small food producers, to wit:

- Principle 6 in governance in effect reduces human rights by reducing prior informed consent to plain consultation. Further, the right to development is not properly respected if responsible agricultural investment is concerned.
- To be meaningful, the RAI Principles should also take into account the over-all food sovereignty of countries and peoples. The macro economic, social, cultural and other implications of agricultural investments should be considered such as their impact on the health and welfare of animals/livestock and the destruction of production systems of peasant-based family farming.
- Further, the RAI Principles are unclear if it is meant to be a safeguard against rampant land and resource grabbing, including various forms of dispossession and alienation of small agricultural producers from land and other holdings
- The RAI Principles do not clearly assure the protection of the commons including indigenous peoples ancestral domain and territory, and common property interests of communities and peoples such as pastureland, forests and waters from corporate interests like mining. It is not clear how cultural identity and knowledge, such as seeds and livestock of farmers and other producers are to be protected through the RAI Principles.
- Beyond the core labor standards of the ILO, several concerns need to be addressed including flexible hiring and contractualization, lack of decent pay and livelihood in situations such as bonded labor, trafficking of labor and others in the context of agricultural investment. The situation of migrant labor deserves specific mention because of wanton disregard to core labor standards.
- Role of inter-governmental organizations especially multilateral banks should be clearly spelled out in promoting private agricultural investment with serious implications on food security such as the use of official development assistance (ODA)

in public-private partnership (PPP); the Role of States in industrial countries hosting multilateral corporations involved in transboundary investment and providing ODA promoting different aspects of increasing investments such as crop and land use conversion.

Small farmers and small agricultural producers have intrinsic responsibilities with investing in their respective holdings. We call for greater responsibility of governments to ensure effective public policy and implement public investments that prioritise the interests and needs of small-scale producers. Whilst effective implementation of VGGT is essential and where governments must implement agrarian reform programs to help small peasants and other producers not only to gain access to land and other natural resources, but to also increase farm capital, production and post-harvest technologies and ensure market access. The development of appropriate agricultural markets for effective national distribution of food and agricultural produce is essential. However, it is a serious omission to consider the role of trade and investment regimes such as bilateral, regional and multilateral agreements, including the World Trade Organization (WTO) that is legally enforceable. We must therefore reconcile these institutional arrangements with the principles for responsible agricultural investment so as to provide clear and concise rules for effectiveness.

For example, the importance of trade in agriculture and trade agreements call to mind the initiative of India to ensure food security through food procurement from the peasants, building public food stock holding and public food distribution (PDS) to the poor. But India's commitment to food security is subjected to challenge in the WTO under its dispute settlement mechanism, leaving India to accept a limited four-year exemption to penalty clauses at the Ministerial in Bali.

It is not clear how the RAI Principles promote responsible investment that is in the context of national food security. For example, agricultural investment must be understood in the context of how most of the food is produced, traded and consumed versus production of other agricultural commodities. Another example is the rampant crop conversion to industrial crops putting a strain on national food security.

The ZD is also silent on nutritional security. We propose a peasant-based approach rather than technology and trade based approach such as food fortification and transgenic approach to address nutritional security.

The absence of language on the roles and responsibilities of governments to mobilize public policy and public investments that prioritise the interests and needs of small-scale producers is worrisome. This is why it is important to link Rights language practically with domestic food security projects. The 2012 State of Food and Agriculture report of the FAO, the 2013 HLPE report on "Investing in Smallholders" and the decision box adopted by CFS 40 identify public investment in support of smallholders as key to advancing food security and rural development. This includes investing in rural roads, electricity, storage facilities and other public goods and services, public procurement schemes, marketing and price information, and public and locally adapted agricultural research etc.

States also have a duty to set in place proper legal-regulatory regimes to discipline investments, PPP and contract farming arrangements that violate the tenure and human rights of small-scale producers and workers. This includes renegotiating investment contracts that have negative impacts and measures for reparations and compensation for small-scale producers, workers and local communities.

While the ZD does mention farmer's rights as enshrined in the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), no elaboration is given as to how these rights – including the protection of native seeds, plant, animal and fish varieties as well as indigenous knowledge - are to be safeguarded. Reference could be made to the resolution adopted on 28 September 2013 by the Governing Body of the ITPGRFA that called on states to implement and support farmers' rights. Farmers should have access to all seeds and (as accepted by the CFS 40) have the "ability to access, breed, produce, conserve, exchange, sell and use the seeds they need".

Meanwhile, the issue of food prices is not adequately addressed. Beyond mentioning the fact that food security is about economic as well as physical access to food, the Zero draft contains few provisions related to the issue of food prices. In light of the food price crisis, this is a glaring omission. Responsible agricultural investment should ensure protection against market fluctuations and price volatility for both food producers and consumers.

This entails a number of obligations for states including:

- Developing state-managed market and price information systems that are accessible to all;
- Ensuring remunerative prices for farmers and strengthening their capacity to negotiate fair prices; and
- Regulating local, national, regional and international food markets and curbing food price speculation.

The Zero draft lacks 'cohesion' in its structure, without simple references to the types of investments, the targeted benefits, definition of real purposes and upon what modalities is investment designed. To illustrate, what is referred to as 'sustainable agricultural development' often results in harmful effects such as land and crop conversion, yet such developments were contingent upon developmental partners and or public private partnerships. Therefore, this introduces the thematic considerations of 'irresponsible agricultural investments'.

The draft should also provide structural considerations for public and private investments within the scope of clear definitions, functionality of investments with its associated checks and balances. This way, all stakeholders, from corporate investors to peasant food producers are affirmed of the developmental and complimentary functions that each level would contribute to constructively provide real RAI.

In respects to the language, much of the text does not outline in precise terms the causes of actions expected from the relevant stakeholders. Much of the language within the draft appears to focus upon 'intensive production' for market expansionary mechanisms.

We believe that this will lean towards marginalizing community-based agricultural systems, when the principles of RAI ought to equally focus upon real balances on the empowerment of small-scale producers. Furthermore, we submit that the RAI must seek to provide specific text to the upgrade and improvement of the capacity of small-scale producers from their current levels of production through the transfer of simple technologies, enhancement of agricultural practices and the provision of infrastructural support systems.

The draft document should endeavor to prioritize small-scale producers as an active stakeholder through proper recognition of their particular needs rather than what is referred to in the document as complimentary stakeholders.