GLOBAL FORUM ON FOOD SECURITY AND NUTRITION

PROCEEDINGS OF DISCUSSION No. 66

HLPE CONSULTATION ON LAND TENURE AND INTERNATIONAL INVESTMENTS IN AGRICULTURE

24 JANUARY 2011 – 10 FEBRUARY 2011

CFS Committee on World Food Security

HLPE High Level Panel of Experts

Global Forum on Food Security and Nutrition

TABLE OF CONTENTS

I. INTRODUCTION OF THE TOPIC

In October 2010 the newly reformed Committee on World Food Security (CFS) requested its High Level Panel of Experts on Food Security and Nutrition (HLPE) to conduct a study on land tenure and international investments in agriculture and to present the findings at its next session in October 2011. You are hereby invited by the Steering Committee (StC) of the HLPE to give your views to finalize the Terms of Reference for the HLPE Project Team (the team of experts that will be established immediately after the TOR is finalised by the StC following this online consultation) that will prepare the study and policy recommendations. HLPE studies are intended to facilitate and inform the policy decision-making of CFS members.

Introduction

There are many drivers of the increased interest in investing in land and agriculture over the past several years. The global increase in demand for food, due to population increase and more importantly diet change will affect the need for land and other resources. During the last century the increase in agricultural production has been mainly achieved through increased productivity per ha and for less than 30% through expansion of agricultural areas. Future necessary increase in agricultural production will however require to produce “more with less” but also an expansion of agricultural areas.

Sustainable intensification needs to bridge the yield gap between potential and attainable yields and the gap between present and attainable yields. Future food needs may also consider the waste in food, as well as the impacts of changing diets, such as obesity.

The expansion of agricultural land is a reality in many places around the world. Not only food and feed production but also the increase of the bio-based economy and in various places the government policy-driven production of bio-fuel (first and second generation) require substantial increase of land and other resources for agricultural activities. The way that it is done may depend on the context where it takes place: differences between continents and countries are very large and the role of governments may vary considerably. Food and feed needs of countries with relatively low availability of agricultural land, for example China (with less than 10% of world’s land and 20% of world’s population) could require investments and development of agricultural land use in other countries. Investments of land in other continents such as Africa and Latin America are already taking place.

Other drivers of the increased investments in land and agriculture include – but may not be limited to – speculation in land and the volatility of commodity prices which has prompted many food-importing countries to seek to replace the purchasing of food on global markets with securing agricultural land in other countries.

While the foreseen future magnitude of foreign contracting in third parties’ lands and agricultural sectors is still uncertain and needs to be assessed, the current trend has raised considerable public attention, political debate and controversies. Calls were made for everything from a moratorium on “land-grabbing” to the regulation of “large-scale land acquisitions” through responsible investment principles and codes of conduct to make investments in land profitable for local development and performance of local agriculture, be it small or large scale farmers.

Governments stand at this crossroads where on the one hand, as many studies and analysis demonstrate, appropriate investments, efficient and effective use of natural resources and land may have both economic and ecological advantages under certain conditions but where, on the other hand, there are also typical examples of land grabbing with very negative effects for sustainable development, including social effects on small scale farmers, ecological effects such as decreased efficiency and effectiveness of the use of natural resources and the mining of soils.

In the study, various elements will be considered in an analysis and diagnosis to pave the way for recommendations.

Feedback sought

The study of the HLPE is bound by the mandate received from the CFS in October 2010, and its purpose is therefore to undertake analysis and formulate policy recommendations in the following three areas:

(i) Roles of large-scale plantations and of small-scale farming, including economic, social, gender and environmental impacts
(ii) Tools allowing the mapping of available land
(iii) Tools to align large scale investments with country food security strategies

Through the present online consultation, and within this mandate, the HLPE seeks feedback on the following first draft of a detailed scope of the study.

In particular, do you think the scope is appropriate?
Have important elements been omitted?
Should any of the elements, below, be left out?
In your opinion, what would be the main points to emphasize in the report?
Please be as specific as possible

The HLPE intends to take into account the very wide variety of models of agricultural production and marketing, and to address the diversity of social, economic, political and environmental contexts, not restricting the analysis to large scale agricultural investments, but trying to assess what kind of investments are needed to achieve development objectives, giving particular attention to poor farmers, women, indigenous peoples, pastoralists, forest-dwellers, and other marginalized groups etc.

Proposed scope of the HLPE study on land tenure and international investments

1. Framing the drivers of the revived interest in investments in land and agriculture

a - Explorative land use options at various scales: global, continental, regional.

- How can objectives, economical, social, ecological, best be fulfilled within the technical and biological constraints? What explorative studies are available or should be done to address this issue?
- Investigation and analysis of the dominating aspects of land use on water and natural resources. How do land use and use of external inputs and water interrelate and what perspectives may be envisaged?

b - Role of food security strategies at country and at regional levels

- Explicit policies oriented to accessibility to food
- Role of economic blocks such as European Union, African Union
- Investment policies/principles
- Price volatility of commodities

c - Role of the private sector in land use

- Feed and food producers
- Bio energy producers
- Finance sector
- Speculation in land

2. Existing use and trends of land and natural resources

a – Mapping of available and used land

- What are the definitions of “idle”, “waste”, “available” or “reserve” land, as well as land that is not in “agricultural use”?
- What are the existing mapping tools and what do they map (what definitions of idle, etc. land do they use)? How do they take into account customary tenure systems and collective rights systems that are not titled?
- Perspectives for land use and sustainable development as a result of investment in agriculture by countries (foreign) or corporations.

b – Use and overuse of land, unsustainable development due to wealth or due to poverty

- What regional differences in potential self sufficiency?
- How important is the part of available lands under claims of collective rights or under customary use?

3. <u>Role and effects of scale (larger scale plantations or small scale farming)</u>

- What is meant by “large-scale plantations” and “small-scale farming”? Specifically, where does contract farming and integrating small farmers into global markets fit?
- Under each of these models of production, what crops are produced and for what markets? Who among the various actors benefits from the added value generated in field production and the various stages of processing?
- What are the trends in investment in large-scale plantations and in small-scale farming? Who are the investors under each model? What are the drivers of investment? What rates of return are expected?
- What are the economic, social, gender and environmental impacts of each of these models? e.g. on rights, conflicts and political unrest, employment, migration, biodiversity, nutrition, etc.

4. <u>Mapping of instruments (technical, political, corporate) that influence land use and of their use at different aggregation levels.</u>

inter alia:
Land policies, property rights, land lease, use of external inputs
Instruments related to the Right to Food
RAI Principles
“Minimum human rights principles applicable to large-scale land acquisitions or leases” suggested by the UN Special Rapporteur on the Right to Food
Draft Voluntary Guidelines on Responsible Governance of Land and Natural Resources
Final Declaration of the International Conference on Agrarian Reform and Rural Development
United Nations Declaration on the Rights of Indigenous Peoples
International standards on the right to housing and prevention of forced evictions
Tools related to Corporate Social Responsibility
Taxation tools and policies
Direct and indirect Subsidies

5. <u>Expected Recommendations</u>

- What policies are possible and which instruments can be applied to align large scale investments with country food security strategies?
- How do they account for scale?
- What are the necessary conditions for making each of these models (small scale and large scale) a success (e.g. policy environment, tax system, direct and indirect subsidies, etc.)?

- What evidence exists to show that win-win scenarios are possible i.e. that both development and profit objectives can be achieved at optimum levels?
- How to break unsustainability trends?
- Recommendations for research and development?

CONTRIBUTIONS RECEIVED

1. Purushottam Mainali from Nepal

Recommendation on Land tenure and International Investments

With respect to n. **5 Expected areas of Recommendations**

1. What polices are possible and which Instruments can be applied to align large scale investments with country food security strategies

For this purpose, country specific Food and Nutrition Security Plan with investment level and modality, fiscal policy, conducive environment for investment and implementation arrangement be developed.

2. How do they do account for scale

For this purpose, in countries with abundant land, ensuring land access for food production (crop and livestock) and in others with limited and fragmented land situation: land consolidation, contract farming for crop and livestock production along with processing industry development should be considered. Which also should be ensured in Plan.

3. What are the necessary conditions

Ensuring necessary conditions: policy environment, tax and tariffs, subsidy, support, services, infrastructures, and security provision should also be ensured by the Plan.

Issues related to point **4 and 5** also be ensured through the Plan.

6. Recommendations for research and development

Country specific program with respect to productivity enhancement of crops, livestock, marketing, agro-industry development research need to be assessed, acquired, research conducted, and results (technology) disseminated through service providers.

To ensure the funding source, both from national resources and from development partners, Plan be developed jointly and commitment be made.

Purushottam Mainali

2. Gerardo Paniagua Rodríguez from Farmersdialogue.org, Costa Rica

Original in Spanish

Estimado Señor,

Noto con gran admiración que el Comité que usted preside ha tomado el problema de la tenencia de la tierra de una forma sensible pero concisa, con certidumbre, por un lado vemos las causas y en otro los efectos, no tengo el placer de conocer a todos los miembros del Comité, ni a ninguno de los amigos que ponen dia a dia sus ponencias en el foro, presiento que todos exponen sus ideas en base a sus profesiones y sus conocimientos, de igual forma este humilde servidor y agricultor deseo poner en su conocimiento un poco de mis pensamientos por ello pido su

bondadosa compresión ya que no soy escritor, y tengo un bajo aprendizaje en el uso de la computadora.
Creo en la humanidad, se que a dejado en la historia un camino oral de aprendizaje, el conocimiento se ha alcanzado en mucho por sus errores, en el fondo de su ser la sociedad como un todo tiene temores que viven en lo más profundo de mente, uno de esos temores es el temor a un desabastecimiento o hambruna generalizada, éste es un gran problema pero hacemos poco por enfrentarlo, los seres humanos somos muy contradictorios, vivimos en el planeta más maravilloso del sistema solar, sin embargo los países desarrollados gastan mucho de su riqueza en una carrera espacial, olvidando que el ser humano sigue siendo la única especie conocida, que domina un planeta, por ende también se olvidan de sus necesidades hemos puesto nuestra mirada en las tierras potenciales o posibles para producir los alimentas del mañana, pero las mejores tierras se convirtieron en urbanizaciones, las mejores tierras yacen entonces bajo toneladas de cemento, aún más no nos hemos propuesto en serio el desafío de recuperar los territorios perdidos en los desiertos, como una fuente futura de alimentos, millones de kilómetros cuadrados esperan con ansias el agua que potabilizada pueda empezar a generar hongos y bacterias con las que comienza la vida .
Se hace necesario insistir a los gobiernos en el reordenamiento de las ciudades, respetando las tierras aptas para la agricultura y la producción ganadera, mejorar las zonas de recarga acuífera y los bosques alejando los posibles cuadros de contaminación especialmente el transito y aparcamiento de vehículos. En los países pobres se deben poner al alcance de los productores tecnología de bajo costo pero practica, potabilizar las aguas de riego que no sirven para consumo humano, sugerir que los biocombustibles se produzcan en base a alimentos de tercera o cuarta necesidad o de alimentos o plantas venenosas, crear políticas de recuperación y uso de semillas tradicionales, bajando los impuestos a los insumos agrícolas ,implementando otras formas de producir como la hidroponía, las huertas caseras y la producción en ambiente controlado, de esta forma lograremos un mejor acceso a productos alimenticios más baratos y una mejor calidad de vida, esta es una cultura de alimentación y producción sana que sed debe introducir en el sistema educativo desde la escuela y los colegios.
Por ultimo quisiera pedir al Comité que pidamos a las naciones que en caso de guerra se respeten toda zona de producción de alimentos, de cualquier país, esto es convertir cualquier sembradío en un santuario y también sugiero la creación en todos los países SUBCOMITES DE SEGURIDAD ALIMENTARIA Y NUTRICION con en fin de mejorar la verticalidad de los procesos y llevando de primera mano la información sobre los avances de los programas adaptados a la cultura de cada país, suguiero entonces la creación de CLUSTER AGRICOLAS donde hombres y mujeres de todas las disiplinas de su mejores ideas de forma adhonoren.

Gerardo Paniagua Rodríguez
Costa Rica
Agricultor

English translation

Dear Sir,

I am glad to see that the Committee that you preside has addressed the problem of land tenure in a sensible and concise way. With conviction, analysing the causes and effects. I do not have the pleasure of knowing all the Committee members nor the colleagues that contribute every day to the online forum. But I have a feeling that their ideas are based in their professions and knowledge. In a similar way, this modest farmer is pleased to contribute with his thoughts. I therefore request kind understanding as I am not a writer nor a computer expert.

I believe in humankind. I am aware that oral transmission and learning from errors have played an important role in the history of knowledge. Society has internal fears and one of these is related to the shortage of food or widespread famine. This is a serious problem and we do very little to address it. As human beings we are very contradictory: we live in the most wonderful

planet of the solar system. However, the most developed countries spend a big share of their wealth in a space race, forgetting that humans are still the only known living being ruling a planet, and also they are neglecting their needs. We have focused our attention in potential areas for producing food for the future but our best land has been converted into housing developments, lying beneath tons of cement. Still we have not taken seriously the challenge of recuperating the lost land in the deserts and making them a future source of food. Millions of square kilometers are waiting anxiously for water that -once treated- can start generating fungi and bacteriae, hence giving birth to life.
It is necessary to insist the governments on urban planning, respecting suitable land for agriculture and livestock production, improvement of areas of groundwater recharge and forests by distancing potential pollution sources, especially vehicle traffic and parking. In the poor countries producers must have access to low-cost but practical technology, irrigation water should be converted into potable water and biofuels could be produced from non-staple food or poisonous food/plants. Additionally, formulating policies for the recuperation and use of traditional seeds, diminishing taxes on agricultural inputs, implementing alternative production methods like hydrophonics, home gardens and controlled environment production could also help to improve access to cheaper food products and increase the quality of life. This is a healthy food and production culture that must be taught in schools and included in the education system from school.
Finally, I would like to ask the Committee to appeal to nations engaged in war to respect all the food production areas in any country, converting every cropped land into a sanctuary. I also suggest creating a SUB-COMMITTEE OF FOOD SAFETY AND NUTRITION with the aim of improving vertical integration o and providing first-hand information about the progress of programs adapted to national cultures. Therefore, I suggest creating AGRICULTURAL CLUSTERS where men and women from all disciplines contribute with their ideas for free.

Gerardo Paniagua Rodríguez
Costa Rica
Farmer

3. Alois Leidwein from the Austrian Agency for Health and Food Safety, Austria

In some states or in certain constellations it may be necessary to regulate the market for agricultural land.

There may be the situation that agricultural land is bought by investors. small and medium sized farms are not able to cope with prices paid by investors. Farms run by investors may be more productive or more economic, but usually the added value of production does not stay in the region. Big Commercial farms have poor effects on the local labour market, unless the salaries for farm workers are fair.

There are several instruments possible:

- prohibition of land purchases of foreign nationals or corporations

- land purchases of foreign nationals or corporations are subject to an authorization of a commission composed of regional officals and stakeholders. the commission my give priority to locals, if local farmers are willing and able to pay a fair price for the land.

- protection systems for tenants, which provide minimum time frames for leases (5 years/10/years/lifetime) and target prices for land lease

In Europe such systems were introduced at the end of the 19th century and work still in some states. At this time investors and the church started to buy land and raise prices for land lease. Farmers could not cope and fell into poverty.

These at this time new protection systems enhanced the economic development in rural areas in Europe - and still work well in some counties.

Alois

4. John Sumelius from the University of Helsinki, Finland

Dear CFS/HLPE Secretariat

Refering to your request relating to land tenure and international investments in agriculture and the document attached I note that there is not much said about the land rights of women. In many countries in sub-Saharan Africa, women lack the right to own and inherit land. This should be pointed out somehow (of course not only womens's land rights are limited)

For improving land tenure, please see p 26-27 in the discussion paper 33 linked below:
http://typo3.fao.org/fileadmin/user_upload/fsn/docs/HLPE/Discussion_Paper_33.pdf

Best Regards

John Sumelius
Department of Economics and Management
University of Helsinki
Finland

5. Peter Goossens from WFP, Italy

Caution with the use of the term small-scale-farming. If subsistence farming is not isolated and/or treated as a separate group, confusions might happen. Subsistence farming responds to a whole different set of natural laws than commercially based small farms or even farms that sell a significant part of their production on the market.

Peter Gooseens
WFP
Italy

6. Raymond Erick Zvavanyange from Taiwan

Clear and transparent policy

The scope of land tenure and investments and the need for diverse opinions is a noble idea, stimulating thinking and in the broad sense, contribute to the promotion of healthy livelihoods.

Firstly, because land grabbing is defined as a complex issue, any efforts to make a stand on this matter always ends up heading in an unplanned course. As highlighted in the background document despite the fact that countries differ and situations vary from country to country, there is a need to think seriously about present and future challenges. I am of the view that investments should be in areas not earmarked for immediate expansion at national level. Unused lands is an example though the challenge would be to bring to same level investor and country objectives. Well-outlined programs that give back to communities should be put in place.

The main points to emphasize are: (1) Clear and transparent policy on land incorporating all concenrened parties; who owns what and what investments are targeted for which part of the land,(2) Minimise negative impacts on the environemt and work within sustainable guidelines, (3)

move beyond the commitment stage by parties concerned to implementation, and (4) Categorizing farmers and the their roles. Lead farmers are instrumental but they have also been a source of challenges by not willing to pass on the barton to the next future farmers whether young or old.

7. Eltighani Elamin from Ministry of Science & Technology, Sudan

Dear FSN Moderator,

Greetings from Nairobi I believe I'm one of the founders of this very successful food security forum.
My main contribution could be summarised as: Dry land crop agriculture will never support efforts to alleviate poverty and food hunger in Africa, it is just not wise policy action from the view point of aid effectiveness. An alternative is to capitalize on the potential of leveraging animal agriculture to adapting climate change (CC) and mitigate its repercussions on food security and food poverty.

Yet worst, the predictions of the CC are terrifying and are expected to aggravate the current food insecurity and ill health of the African communities, with ultimate impact of deepening the poverty gap and social inequalities in the African continent. With the predicted wiping out effect of the CC on cultivatable lands in Africa leveraging the dry land agriculture sector to improving food supplies and farm incomes that translate into better nutrition and better health for the growing African populations becomes less acceptable policy option for the International Aid Community, from a mere aid effectiveness point of view. Accordingly, this international policy development action needs to be qualified as leveraging animal agriculture, instead, of the whole dry land agricultural sector, at all, to accommodate the CC and secure effective aid to improving the livelihood of the poor African communities. By focusing on animal agricultural resources and influencing and empowering them, then, a safe move towards achieving the first MDG of halving African population under poverty and hunger is within reach.

The policy drivers for this ambitious project proposal of leveraging animal agriculture for the sake of combating hunger and alleviating African poverty could be casted into a three-fold good reasoning as follows: First, the CC is expected to put off sizeable lands out of cultivation, and that the best bet alternative use of these set off lands is animal production. Second, the nature of animal production being pro poor kind of agricultural enterprises supporting over 70% of the African people livelihoods and hence recognized by the International Community as an imperative for the poor livelihood in Africa. The third reasoning, by contributing to over 30% of the African Gross Domestic Product, the policy option of expanding animal agriculture becomes more eligible to build on, given its potentiality pro-poor growth GDP. That is to build on the other side of the agriculture industry, where the state of the art, wisdom of development, always tells us to enhance capacity of the strong sectors of the economy rather than to build the capacity of the weak sectors.
However, this policy by no means disregards the links and integrated nature of crops, pasture, and animal production when and where such links are applicable. For example better management of crops residues provides a rich resource for animal feeds, diversification of crops and fodder at the same farm, and utilization of manure for soil fertilization do not only secure stable income for farmers and ranchers but are also considered environmentally sustainable development practices after all. An integrated approach that focuses and builds on the strength of the animal sector and cultivate the advantages of any necessary links between the various inputs and outputs components relevant to the livestock and other animals need to be considered. Such integrated approach also realizes the importance of the front links related to human health and nutrition, food quality and safety, animal veterinary services, wildlife protection, and conservation of natural resources for the benefit of both current and future generations.

Professor Eltighani Elamin (PhD)

Agricultural Economic & Policy Research Center
Ministry of Science & Technology
Shambat Street, Box 30
Khartoum North, Sudan

8. Tagore Villarim de Siqueira from the Departamento Regional Nordeste do BNDES, Brazil

Dear FSN Moderator,

Refering to your correspondence relating to land tenure and international investments in agriculture, following a public policy proposal for family farming in semi-arid regions:

Sectoral Public Policy Incentives for Family Farming

The Central and Local Governments should prioritize actions to mitigate the impacts of such items as:

1. Tax burden
2. Interest Rate
3. Bureaucracy
4. Infrastructure (transport, storage, energy, water, telecommunications)
5. Low Entrepreneurship
6. Access to technological innovation
7. Access to Inputs

In addition, should be encouraged to "Decentralization of the Shares of the Governments", giving thus more capable of planning and increase
the power of implementation of actions by local communities themselves.

Potential Initiatives:

1. Encourage the implementation of competitive projects for agricultural production;
2. Universal access to energy, water and telecommunications (telephone and Internet);
3. Support community radio as a tool for education and dissemination of information and knowledge for low-income populations;
4. Expanding access to innovation, entrepreneurship and financial support;
5. Modernize and expand the network of local fairs and municipal markets in the states participating in the program, aimed at creating
   better conditions for marketing of local produce;
6. Strengthen cooperatives (production, marketing and credit);
7. Support micro-lending; and,
8. Encourage Fair Trade in communities that are part of the program.

Basic Projects suited to local circumstances:

In the case of semi-arid regions, such as the Brazilian Northeast and parts of several countries in Latin America, Africa and Asia, the projects should be appropriate to the various local situations, depending, therefore, the participation of local communities in elaboration and implementation of public policies.

Moreover, it is worth remembering that all these areas have several common points that hinder the formation of competitive production, among which stand out are the low access to education, infrastructure, financial resources (shortage of capital), innovation and entrepreneurship. Fitting, then, create joint initiatives in all of them that could become even at connection points between the various communities with common characteristics across the world, where representatives

and participants of these communities could participate in discussion forums on the Internet showing his projects and your questions and discussing their experiences.

Basic project to increase food production in regions like the semi-arid areas of the world:

Construction of tanks to store water for a family of five persons for a period of at least one year, construction of wells with water uptake by electric motors powered by solar energy, use of desalination of water energy base solar, construction of ponds for fish such as tilapia, goat rearing, construction of biogas digesters, crop plants resistant to dry weather and if possible implementation of the irrigation system for cultivation of suitable species to the site. Such a project could be viewed as a module suitable for a family that could be replicated throughout a community, and even a village council, and be complemented by public policies for education, health, technology transfer, culture and environment-oriented people involved with the local rural development program. In addition, the project would receive environmental certification in order to participate in the market for carbon credits and thus meet the requirements of sustainable development and increase farm income.

Thus, public policies should focus on the pyramid's base, providing the necessary resources for building social-economic systems self-sustainable so that they no longer pose serious social problems and come to regard as solutions to the economic development of their countries.

Best Regards
Tagore Villarim de Siqueira – Economista
Departamento Regional Nordeste do BNDES - GP/DENOR
Recife-PE

9. Yusuf Ali, Consultant in Agricultural Research and Development, Bangladesh

Dear All,
Please find the following contribution in context of Bangladesh:

Bangladesh Agriculture needs Recasting to cater the Challenge of food and nutrition security

Geographically Bangladesh is a small country (147, 570 s.km) of South Asia having a big population (about 160 million) and per capita cultivable land is only 0.05 ha. According to IPCC climate change would adversely affect Bangladesh. It's 17 percent coastal land may be inundated pushing 30 million people as climatic refugee. In the coming years Bangladesh will be facing three dimensional challenges in supplying required amount of rice (main food security cereal) for it ever increasing population. Population will increase by two million/year on the contrary rice land may decrease by 0.5 percent/year resulted in reduction of rice production though it is widely estimated that Bangladesh agricultural land will decrease by 1 percent per year. But it is believed that as rice land elevation is comparatively lower so loss will be less –about 0.5 % and maximum loss will occur in high and government forest land.

After 1975 Bangladesh has been able to contain its rice deficiency within 10 million ton/year except in big flood or cyclone year. But it is assumed that at current productivity rate each year food deficit will increase due to cumulative effect of land loss and population growth along with the projected effect of climate change. In 2025 rice deficit will be 16.63 million tons and reaching a shortfall of 26.07 million tons in 2050, if the projected population growth and land loss rate become true. It is only possible to contain this level of shortfall only by increasing per unit average yield. To maintain the present level of rice availability per capita, Bangladesh has to uplift it's per ha yield at 2.5 t/ha in 2025 and 4.0 t/ha in2050 from present yield level 2.04 t/ha. To increase average yield at this level is a daunting task but not impossible as technology is available but it has to employed with seriousness. Otherwise, per capita availability of rice may decrease further.

However, with increased urbanization and enhancement of income dietary habit of large number of people would substantially change consuming more vegetable, fruit, broiler chicken and bread based fast food and other diversified food , which may paves the reduction of rice intake quantity even by half of the present level. It may be mentioned that about 40 percent Bangladesh population is under poverty level and almost each year climatic effect like drought, flood, cyclone and river erosion making increased number of people vulnerable to food insecurity despite practice of irrigated agriculture. Bangladesh is also acutely deficit in pulses (poor man's protein), edible oil, spices, wheat, maize, fruit (mainly used as poultry feed) hampering the supply of balanced food to rural population and each year it is costing more huge amount of foreign exchange to import those food items. However, in the recent years its irrigation capability is greatly hampered because of less availability of water in dry season due to withdrawal of water in the upstream by India along with low and erratic rainfall. Higher irrigation cost and other biotic/abiotic hazards are making Boro rice (winter rice) cultivation less competitive rendering the farmers more vulnerable to poverty compared to other crops like vegetables, maize, potato, fruit, multiple cropping with oilseeds and pulses, poultry farming and fish production. Thus it needs total reshuffling of Bangladesh agriculture to meet the future challenge of food and nutrition security, population growth, land area decrease, and climate change. Conclusions and few suggestions are coated below from Ali and Dixon, 2010 (M. Yusuf Ali and J. Dixon 2010. Farming Systems Analysis of Bangladesh: Poverty escapes pathways and Livelihoods Improvement-ACIAR publication –in press)

Agricultural sector will continue to remain as an important component of poverty reduction program for the foreseeable future in Bangladesh. Along with successful management of natural calamities and climatic effects there are some major degradation challenges, as well as linkages to the off-farm rural economy, to be taken into account. The major means of hunger and poverty alleviation and risk reduction will be through diversification to high value enterprises including local processing for value addition. Similarly rapidly growing service sector (off-farm) would bring formidable change in job opportunity having higher wages and could bring countable reduction in poverty. Due to ever increasing population growth and reduction of land area exit from agriculture will be third option for poverty reduction. Intensification of the existing production systems has also potentiality to reduce poverty. Six broad strategic initiatives are proposed:

Land zoning: Due to sensitivity to rice food security many farmers are growing Boro rice in such area which is not at all suitable for this water hungry crop. Land zoning would help the farmers to opt for alternative and better options. Ultimately it would also help to develop specialized processing and other back-up industries in certain potential area. It may also be helpful for the whole-seller and exporter to maintain quality and reduce transport cost.

Improved water resource management: Water is becoming a prime concern in dry season not only for agriculture but for household use, industry and biodiversity. Water quality such as arsenic and industrial waste contamination is another aspect posing a great threat to life and property of millions of people. Improved water management is essential to support the intensification and diversification of production and to reduce resource depletion, for both surface and underground water projects. However, certain restriction should be made to use ground water; otherwise naturally it would happen within coming years. Components include: Selection of low water requiring crops in high land, char and light soil areas in dry season (November to May), efficient resource conserving technologies, conjunctive water use; availability of electricity for water pump and used basis charging, application of alternative wetting and drying (AWD) method for Boro rice, water users association; watershed protection.

Re-orient agricultural service: Public agricultural institutions including research, extension, education and other supporting departments should come under revolutionary change to cater the present challenging need of farmers. Those institutions must involve farmers fully will underpin the drives for intensification and enterprise diversification and promote sustainable resource management. Components include: working models for joint public-private-NGO service provision; multiple advisory services; mobile and internet based delivery technical and market

information to small farmers; and multidisciplinary learning approach in higher education. Bangladesh Agriculture sectors need more international support in terms of technology development and funding to make it more viable and competitive.

Improved rural infrastructure: Returns to education, electricity, transport and health investments are high and beneficial to poor as well as to all categories of households. Bangladesh is lagging far behind in those basic pre-requisites to reach development goal.
Components include: electricity, road, water way, schools including vocational, health facilities and more effective and justified models for private sector participation.

Strengthened farmers group: Strengthening of farmers group is one way to redress the extensive land, water, fish and forest resources degradation across Bangladesh. Components includes: resource management groups for watershed management in hill, char, haor, drought prone highland areas; and policies to encourage common property resource management.

Availability of credit/micro-credit in soft term: Credit for investment particularly for agriculture and small off-farm activities should be regarded as right of the people. Quick and easy loan disbursement has a tremendous impact on modern technology adoption and diversification of farmers' income sources. As majority of Bangladesh farmers live on hands to mouth, it is difficult for them to bear the cost of recommended packages of input. In this situation, like NGO, government and private banks could ensure supervised credit without collateral at least up to certain limit. Credit in soft term or without interest could increase investment in agriculture resulting in higher income. This would definitely help the farmers to reduce poverty and to improve overall livelihoods.

By

Dr Md. Yusuf Ali
Consultant in Agricultural Research and Development
D-151/1, Nazrul Sarani
Middle Sayabithy
Gazipur-1700
Bangladesh

10. Gerdien Meijerink from Wageningen University, the Netherlands

I have read the contributions with interest, and several important topics were touched upon. Some, such as Raymond Zvavanyange and Alois Leidwein have brought up land rights (and John Sumelius women's land rights), which is crucial.

Alois proposes to ban all land purchase, however, most foreign land investments are not purchases but leases (often up to 99 years). In most African countries, there is no land market and no private property (although land titles that specify the use of land do exist). Thus there are also no land prices. The African governemnts play a large role in allocating land and specifying the lease contract. Often national laws state that lease contracts should also be negotiated at lower adiministrative levels (e.g. Distric or village)

An IFAD study (by Cotula in 2009) shows that land registration and registration of lease contracts in many African countries are usually very disorganised. Contract details about size and location of the leased plot, payments agreements, lease period etc were not available or information was fragemented between national land registers, national land investment agencies, distric offices etc. Even in countries where an official landbank has

been established (such as Tanzania), information on land leases was usually not complete, contradictory and not communicated to district offices.

This situation will lead to many problems when foreign companies start leasing land: it opens up many opportunities to acquire large areas of land for a very low price, without anyone being able to curb this.

A country such as Ethiopia has welcomed foreign investors in land and is making available large areas for foreign investors. Ethiopia sees it as a real opportunity to boost its agricultural production, and it may be right in this. But without a land market, clear procedures etc, many local people will lose out.

A RAI or other codes of conduct are not sufficient. Especially African countries must have a better land (lease) registration system in place, that aligns the procedures at different levels (national to local), that has transparent procedures and that coordinates the different institutions dealing with land lease.

11. Diana Lee-Smith from the Mazingira Institute, Kenya

The three issues of scale, tools to map available land and tools for aligning investment and priorities are sound, as is the scope as defined. None of the elements presented should be left out, but an important element has been omitted, namely the urban dimension, specifically in relation to land availability and its tenure, as well as agricultural investment in it. Further, the aspect of livestock already mentioned by Elighhani Elamin (interestingly also from Kenya) is a glaring omission. The points he makes are very important. In addition, I would point out that small scale dairy production, as in Eastern Africa (most of which is urban or peri-urban) is not only critical to small farmers livelihoods as well as urban food security and nutrition, but also that crop-livestock nutrient cycling is critical to the sustainability of agriculture is terms of land management. At least a third and according to recent estimates possibly closer to a half of urban residents in Eastern Africa practice agriculture within urban boundaries, while the numbers involved and amount of food produced are growing in tandem with urban growth. It has been estimated that about 200 million Africans will be getting part of their food from urban production by 2020 – almost half the number currently said to be hungry – and in my opinion that number should probably be revised upwards. This is a little understood and poorly researched topic but cries out for a response in policy terms, particularly when food security and investment in agriculture is being examined. I would therefore like to suggest the following additions to the framework as presented:

1. Framing the Drivers

Urban and per-urban land studies should be included when addressing the options at different scales and assessing what explorative studies are done or should be used. Likewise the investigation of land, water and natural resources should include an urban section specifically addressing the work done by FAO and IWMI on waste water re-use in urban agriculture.

2. Existing Use and Trends

Mapping should include an urban and regional (and an urban micro) as well as the larger scale perspective on the question.

3. Role and Effects of Scale

Small scale farmers should include urban and peri-urban farmers specifically. And in this respect, Peter Goossens' comments should be taken on board and small scale subsistence farmers distinguished from small-scale commercial farmers. (In this case and in general, the policy goals of food security and food production must be untangled). Under bullet 2 livestock should be included and the question of who benefits must be addressed in urban and peri-urban production systems. Likewise under bullet 3 both crops and livestock must be addressed, while who invests

and rates of return should be dealt with in urban and peri-urban and not only in rural production and distribution settings. Bullet 4 should also encompass the urban and peri-urban.

If all this is taken on board in the Terms of Reference, it should follow naturally that items 4 and 5 will address the urban and peri-urban dimension.

For reference, my recent assessment of the data from equatorial Africa and its implications is available. Lee-Smith, Diana, “Cities Feeding People: an up-date on urban agriculture from equatorial Africa”, Environment and Urbanization 22:2 October 2010.

12. Jacques Loyat from CIRAD, France

Original in French

Bonjour,

Quelques remarques et suggestion sur le volet du foncier et des investissements agricoles, pour discussion.

1 - Un état des lieux des pressions sur les terres

L'étude pourrait établir un état des lieux, et une quantification, des pressions existantes sur les terres, telles que:
- l'accroissement de la population;
- l'érosion et l'épuisement des sols (les terre agricoles qui disparaissent);
- le développement des cultures de rentes, des plantations à grande échelle;
- la concentration des terres par les exploitations les plus mécanisées et à forte intensité en capital;
- la concurrence entre les différentes utilisations des terres agricoles: biocarburants, emprise des forêts, réserves naturelles, utilisations industrielles, infrastructures (barrages, voies de communication...).

On pourrait, pour certaines productions (par ex cultures vivrières, cultures de rente, biocarburants) décrire, sur plusieurs territoires choisis au Nord et au Sud, comment elles sont réalisées (types et structures d'exploitations, origine du capital...).

2 - Accès à la terre et droit à l'alimentation

Le droit à l'alimentation est reconnu dans la Déclaration universelle des droits de l'homme. Il nécessite que chaque individu, seul ou en communauté avec d'autres, ait physiquement et économiquement accès à tout moment à une alimentation suffisante ou aux moyens de se la procurer.

Suite aux recommandations faites par le Rapporteur spécial sur le droit à l'alimentation (Olivier de Schutter, rapport remis à l'AG des Nations Unies le 11 août 2010), il s'agirait d'expertiser en quoi et dans quelles circonstances l'accès à la terre et la sécurité d'exploitation sont indispensables pour pouvoir jouir du droit à l'alimentation.

3 - Rôle des États et du marché

Une étude comparée pourrait être faite du rôle respectif des États et du marché pour l'accès à la terre, dans des situations contrastées au niveau mondial, afin d'en tirer des enseignement en termes de modèles de développement.

Jacques Loyat

English translation

Hello,

Please find below some comments and suggestion on the issue of land and agriculture investments, for discussion.

1 - An inventory of pressures on land

The study could establish an inventory, and quantification, of existing pressures on land, such as:
- Increasing of the population;
- Erosion and soil depletion (the agricultural land disappearing);
- The development of cash crops and large scale plantations;
- The concentration of land holdings by the more mechanized and high capital intensive uses;
- Competition between different uses of agricultural land: biofuels, forestry industries, natural reserves, industry, infrastructure (dams, roads ...).

An idea could be to select several areas in the North and in the South and, for certain products (eg food crops, cash crops, biofuels) describe how they are realised (types and structure of farms, source of capital ...).

2 - Access to land and right to food

The right to food is recognized in the Universal Declaration of Human Rights. It requires that every individual, alone or in community with others, has physical and economic access at all times to adequate food or means to procure it.

Following recommendations made by the Special Rapporteur on the Right to Food (Olivier de Schutter, report submitted to the UN GA 11 August 2010), it would be necessary to appraise how and under what circumstances access to land and security of operations are essential to enjoy the right to food.

3 - Role of States and market

A comparative study could be carried out on the roles of states and market for access to land, in difficult or conflicting situations at the global level, to draw lessons in terms of development models.

Jacques Loyat

13. Joan P Menche from The Second Chance, USA

One item that needs to be considered is the relationship between land tenure, especially land rights and food security. This is directly connected with the question of local food security vs. growing commodities to be exported long distances. Data from all over has shown that small multi-cropped, inter-cropped and rotated crops can provide more and better yields per acre than large size farms devoted primarily to mono-cropping. It is also clear that many of the positive results from land reform have been eliminated in recent years. We need to consider people's rights to land and the numerous ways in which their traditional rights to land are being eliminated by governments eager to make money from foreign investors or eager to "modernize" or show how they can build fancy wide highways or luxury apartment for the well-to-do, often at the expense of locally grown food which provides for food security. These issues, need to be explored. Or put another way, "What Has happened to Land Reform?"

Prof. Joan P Mencher, Ph. D.

14. Pradip Dey from the Indian Society of Soil Salinity and Water Quality, India

Esteemed Chairman & Members of the Steering Committee of the HLPE, and FSN Members,
Season's Greetings & Good Day!
It's my pleasure to put forth the following points for consideration regarding the topic of *Land Tenure and International Investments in Agriculture* strictly in my personal capacity and not in Official capacity:

- Analyzing the contract farming option vis-à-vis food security.
- Analyzing climate change vis-à-vis land suitability.
- Investment in land reclamation for salt affected, acidic and degraded lands.
- Engaging land according to land capability.
- Investment in micro-irrigation and multiple use of water.

Also I do feel that international investments in contract farming should focus on soil sustainability and not only on crop productivity / buyback arrangements per se.

With warm regards,
Sincerely,
Pradip Dey

15. Stephen Livera from the Society for Development of Drought Prone Area, India

The study on land tenure and International investment in agriculture are necessary and need of the day.
The Food Security must start from the Micro level involving all the houses. Once we can achieve at these level the country will be achieving the same and in turn at regional and global level the food security problem can be solved. In order to achieve this goal conducive atmosphere has to be created by the concerned Government by providing the soft loan to the small and marginal farmers to procure the agricultural inputs. If necessary the Government has to provide better seeds for more production. The farming community mainly women has to come forward for agriculture activity because through them only the Food Security at home will be achieved.
The poor and marginal farmers, indigenous people, forest dwellers are also play a major role to achieve the food security.
The ill effects of the large farming and the plantation has to be high lighted in this TOR.
There are positive side also in the large farming but more than the positive side the negative aspects are dominating.
They are thinking about the immediate return with high profit by neglecting the people living below poverty line.
The high price for feed and the agriculture commodities are due to the large farming and vigorous marketing. Once we encourage the small and marginal farming the volatile situation can be eliminate. My main emphasize is to develop the Terms of Reference by encouraging the small and marginal farming.

16. Mohamed Wakrim from Morocco

Original in French

Rôles des plantations à grande échelle et de l'agriculture à petite échelle, dont impacts économiques, sociaux, environnementaux et sur les relations hommes-femmes

Problématique : Les structures foncières dans plusieurs pays en développement, sont caractérisées par la prédominance de la micropropriété ; Au Maroc plus de 70% des exploitations agricoles ont moins de 5ha. On persiste à reprocher à la micropropriété de constituer un handicap et une contrainte majeure en face de tout progrès et de toute modernisation du secteur agricole.

Deux constats à ne pas perdre de vue :

- A ma connaissance, les initiatives d'amélioration/agrandissement de la taille des exploitations agricoles, n'ont souvent été que vaines. La marge de manœuvre est tellement faible. Au Maroc, c'est depuis une quarantaine d'années, depuis Le Code des Investissement Agricoles de 1969, qu'une série de politiques, véritablement volontariste, ont été menées dans ce domaine sans résultat significatif(Lois sur le Reforme Agraire, sur la limitation du morcellement, sur le remembrement, etc.). Plus que cela, la situation, loin de s'améliorer, se complique continuellement par des phénomènes d'indivision, en plus des contraintes de multiplicité des statuts fonciers, qui sont au nombre de 5, chez nous (Melk privé, collectif, domaine privé de l'état, Guich, Habous)

- Dans beaucoup de situations, les zones à dominante micropropriété, s'avèrent et se confirment, avec le temps, comme des zones à hauts niveaux d'intensification agricole et à fortes valeurs ajoutée, comparées à des exploitations de grandes tailles. La petite exploitation permet une plus grande responsabilisation d'un grand nombre d'agriculteurs ; elle est ainsi de loin préférable à leur mobilisation comme simple main d'œuvre à la merci de grands exploitants agricoles. (Surtout sachant qu' on est en milieux de chômage et de précarité).

La petite exploitation s'accompagne, par la force des choses, du maintien/perfectionnement des connaissances traditionnelles, du maintien/développement de l'emploi dans le milieu rural, de la garantie de l'emploi pour la femme et des jeunes comme relève, etc.

1. Outils de cartographie des terres disponibles

La connaissance du potentiel foncier agricole est un préalable à toute politique agricole et en particulier à toute stratégie de ciblage/orientation des investissements pour une agriculture à la fois durable et compétitive. La connaissance s'entend par la délimitation des espaces agricoles mais aussi leur caractérisation et l'évaluation de leurs aptitudes à la production. Etablir et cerner les inventaires c'est : Délimiter les espaces agricoles, les catégoriser et orienter leurs utilisations, en rapport avec l'aménagement du territoire, le souci majeur devant être la préservation/maintien d'un potentiel productif en rapport avec les impératifs de sécurité alimentaire.

Il est suggéré une catégorisation en trois niveaux (i) catégorie des terres à hautes potentialités de production qu'il est primordial de sauvegarder et de maintenir comme terres agricoles, (ii) catégorie des terres à potentialités moyennes et améliorables, ne devant perdre leur vocation agricole qu'en cas de nécessité absolue, et (iii) catégorie d'espaces pouvant être ouverts à des usages non agricoles, urbanisation, etc.

2. Outils visant à aligner les investissements à grande échelle sur les stratégies nationales de sécurité alimentaire

Les politiques d'encouragement et d'orientation des investissements agricole en rapport avec la sécurité alimentaires doivent être fondées sur une grande maitrise des inventaires et des données, notamment, de terrain. Il s'agit en particulier de

-Délimiter les espaces agricoles productifs, mettant en relief leurs aptitudes,

-Catégoriser, territorialiser et cerner les vocations dominantes,

-Définir des seuils de viabilités en fonction des vocations et des systèmes de productions, soit une superficie minimale permettant un revenu acceptable,

-Concevoir et spatialiser les politiques d'investissement, de subvention et de fiscalité qui soient à même d'influencer, encourager et orienter les évolutions du secteur. La finalité est d'aboutir, entre autres, à une occupation des sols des plus appropriées possible, garantissant rentabilité, compétitivité et durabilité.

Mohamed Wakrim Maroc
acteur associatif et spécialiste en développement agricole/rural durable
secrétaire général de l'Association Forum 21 pour l'environnement et le développement durable

English translation

I would like to share some suggestions and ideas on the role of large-scale plantations and small-scale agriculture, including economic, social, environmental and gender impacts.

Problem: The land structure in many developing countries is characterized by the predominance of microproperties; In Morocco more than 70% of farms are less than 5ha. Smallholders are criticized as being a limit and a major constraint to any progress and modernization of the agricultural sector.

Two issues need to be kept in mind:

- To my knowledge, initiatives to improve / enlarge the size of farms have often been unsuccessful. Possibilities to change things are very limited. In Morocco, the last forty years, since the Agricultural Investment Code of 1969, a series of policies, truly proactive, have been conducted in this area without significant result (the Agrarian Reform Laws on the limit the subdivision, on land consolidation, etc..). More than that, the situation, far from improving, is complicated by phenomena of indivisibility, in addition to the constraints posed by the multiplicity of land tenure status that are 5 in Morocco (Melk private, collective, private state, Guich, Endowments)

- - In many situations areas where microproperties are predominant prove and confirm themselves, over time, as areas with high levels of agricultural intensification and of high added value compared to holdings of large sizes. Small-scale allows for greater accountability of a large number of farmers and is so far preferable to their mobilization as a simple labor for large scale farms (especially in times of insecurity and unemployment).

Smallholdings are linked to the maintenance / upgrading of traditional knowledge, maintenance and development of employment in rural areas, guarantee of employment for women and youth as backup, etc..

1. Tools for mapping available land

Knowledge of potential agricultural land is a prerequisite for any agricultural policy and in particular for any targeting strategy / direction of investment for both sustainable and competitive

agriculture. This knowledge should include the delimitation of agricultural areas but also their characterization and evaluation of their ability to produce. Establish and define land inventories means identify agricultural areas, categorize them and guide their use in connection with the land while bearing as a major concern the preservation / maintenance of the productive capacity in relation to the imperatives of food security.

Land categorization into three levels is suggested: (i) High production potential land that is crucial to safeguard and maintain as agricultural land, (ii) Medium potential and improvable land that should not lose its agriculture use unless absolutely necessary, and (iii) Spaces that can be opened to non-agricultural use, urbanization, etc.

2 Tools to align large-scale investments with national strategies for food security

Policies of encouragement and guidance of investment in agriculture related to food security should be based on a mastery of large inventories and data, including land. This is particularly means:
- Marking productive agricultural areas, highlighting their skills,
- Categorize, territorialization and identifying dominant vocations
- define Set-sustainability thresholds based on vocations and production systems, and minimum size for an acceptable income,
- Design and spatialize investment policies, subsidies and taxation which are able to influence, encourage and guide developments in the sector. The aim is to achieve, among other things, the most appropriate possible land use, ensuring profitability, competitiveness and sustainability.

17. Paolo Groppo from FAO, Italy

Dear all,

I will start with a quote from the document: “the current trend [of foreign contracting] has raised considerable public attention, political debate and controversies”.

This is true. However, grabbing land from legitimate rights holders is something not new. A big majority of developing countries are showing this same dynamic with local elites taking land from local communities. Virtual no investment has been made in those land and no fees have never been paid to local rights holders. If one considers also the ecological dimension, it can be argued that this “national grabbing” has lead to a clear disinvestment.

So, what’s new is the fact that the newcomers are ***foreigners*** and that they are [supposedly] “***willing to invest***”. In fact, even the first part is not new at all. The better known example is represented by Paraguay where an important share of country good lands has been sold out to Brazilians in the last decades. This has created a lot of problems that would eventually merit to be studied to devise some possible similarities with what other countries are facing now.

The limited fees paid by the “investors” to the Governments for accessing those lands (http://pubs.iied.org/pdfs/12568IIED.pdf) is not particularly different from the zero fees paid by either the Colonial enterprises or by the national elites when they did their grabbing.

What probably matters more is the destiny of the production: producing staple food to be exported to their mother countries (or to speculate in the market) when there are populations suffering from hunger close to those lands is what is emotionally disturbing. However, even this

aspect is not really new, since the economy of plantations1 has always been set on the same basis.

Dividing the problem into its basic components might help setting the scene in a better way:

1. **Nationality of the Grabbers** [National elites versus Foreigners]: as said before, grabbing natural resources from local holders is something that the Elites emerging from Independences (or other already historically established) have done till now. In colonial times this was done by the colonial enterprises, after independence the same trend has continued under different (national) flags. These processes, reflecting the asymmetry of power between powerful elites and local communities, whose voices were never heard, has not been an issue till now. Now that the same process involves foreigners, then it suddenly becomes an issue. Since we do not like big asymmetries and we would prefer a world where they should be reducing, the grabbing by foreigners is considered much worse than when done by national elites. This is a tricky (and a weak one) argument. The credibility of the developed countries (and institutions) worried about this phenomenon would have been different (and better) if they would have expressed the same concerns in the case of elites versus local communities. The magnitude of land grabbed by national elites from local communities has always been very big, but I do not remember any single major publication denouncing it. So, the risk is NOT of "neocolonialism" but of a change from (existing) national to "foreign" colonialism (feudalism?). Also, using the argument of the "nationality" of the grabbers is a risky business: it is still in our memory the recent experience of Côte d'Ivoire when the southern elite started using the nationality as a mean to claim ownership of land (against the "burkinabés): a civil war erupted from that and the final solution is still to be agreed.

2. **Investment:** it is a fact that national governments have always invested very little in agriculture and that this has even decreased in the last decades. Even worse the case for private sector. If we consider the research in improving genetic resources/varieties as a proxy of the willingness by the private sector to invest in southern countries agricultural sectors, then the results are really disappointing. FAO estimates that 96% of the Research is private; this research is concentrated in very few crops and in very specific geographical/climatic areas (mainly excluding the South). This research is also targeting (in the North) those medium and big farmers who can have access to better technology and then paying back the incremental costs for preparing new varieties. As a result, history has proved that private sector has shown no willingness to invest in the South and towards smallholders. So, why should we believe that this time things will change? Based on what premises? The few cases of "FDI" that have been studied in an historical perspective (see the Limpopo experience in Mozambique http://pubs.iied.org/pdfs/12568IIED.pdf p. 5) present negative proofs about the compliance on the investment side by the private sector. So this implies that the default position is against the "investors": this is why I still prefer to call them "grabbers" (at least till when proofs will be there to show the contrary).

3. Role of these "investments" towards **improving food security or stimulating local development. The** fact is that 70% of the hunger people live in rural areas. Therefore if the scope of these "investments" was to fight hunger, or to contribute to stimulate local economy through job creations, they would have to promote local production, using local

1 A **plantation economy** is an economy which is based on agricultural mass production, usually of a few staple products grown on large farms called plantations. Plantation economies rely on the export of cash crops as a source of income. Prominent plantation crops included cotton, rubber, sugar cane, tobacco, figs, rice, kapok, sisal and indigo.

knowledge and skills, targeting the needs of smallholders who are potentially the producers and the main consumers. But clearly these "investments" are not targeting those needs: quoting from this recent report by IEED: "While employment creation is often indicated as an important benefit for host countries and communities, investor commitments on this point tend to contain little detail about job number s and characteristics (skilled/unskilled; permanent/seasonal; part-time/full-time). As a result, they would be difficult to enforce and have little legal value". Again: "Most of the contracts reviewed do not require the investor to collaborate with local farmers or to procure goods and services from local producers". Additionally, it can also be argued that the logic of a plantation investment is, by its nature, to optimize the economic return (profit by hectare, by unit of workforce or by dollar invested); what experience shows in the field is that local communities (sedentary or nomadic) do often use/manage natural resources in view of optimizing the number of people supported per unit area (meaning creating jobs).

4. Having said that, we do have a main concern with this phenomenon, and this also is not new. It refers to the fact that in all cases (being external investors or national elite grabbers) the losers are always local people whose legitimate rights over those territories and whose voices are considered neither by governments nor by foreigners.

More comments on the Feedback sought (quoted from the document):

(i) Roles of large-scale plantations and of small-scale farming, including economic, social, gender and environmental impacts
(ii) Tools allowing the mapping of available land
(iii) Tools to align large scale investments with country food security strategies

(i) Interesting to note that the "willing investments" are now presented as "large scale plantations". At least this has the advantage of clarifying about the real nature of them. I do see two problems with that: first of all if the scope if to compare the two systems, this is something that has already been done and where there is a wider consensus on the superiority of the small scale farming. The fact that those smallholders do have little political recognition and support and that their interests tend to be overcome by the big fishes is also true. The second problem is related to the comparison itself because it might suggest that the two have might create problems or being an opportunity. What is (really) at stake is the fact that grabbers (national or foreigners) are impinging upon existing customary rights of thousands of people (organized either as communities or as smallholders, doesn't matter). So an "impact" study would have to take some pilot cases and their neighboring areas and first understand and value the complexity of the existing livelihoods (in terms of job creations, maintain of biodiversity, products created, social structure roles etc.) and then making a comparative analysis of what those "grabbers" would be bringing in. This would give an idea of the "role" of these plantations (independently from the nationality).

(ii) Mapping available land: there is an FAO publication that will be issued soon on the State of Land and Water (SOLAW) where all these details are already discussed. Probably there is no need to duplicate it. The issue of (increasing) scarcity of resources is there since 2002 (http://www.iiasa.ac.at/Research/LUC/SAEZ/pdf/gaez2002.pdf, p. 88), as well as a clear recommendation: The results suggest a considerable availability of land resources suitable for agricultural uses when considering potentially very suitable, suitable, and moderately suitable land under mixed inputs, even when excluding closed forests and protected areas (*Table 5.17*). However, we do not hesitate to state that such increased use of cultivated land is neither likely – because of improvements in input use and technology leading to higher average per hectare output, and because of competition with other nonagricultural uses – nor desirable, because of obvious implications for biodiversity and the global carbon cycle.

(iii) The alignment with FS strategies. This is difficult to understand to me: clearly those investments are responding to external drivers and nobody has ever "sold" them as a contribution to national FS. Those investors who do want to produce biofuels are eventually contributing to FS, but in negative terms. Those who are producing staple food for their home country (like China) might be contributing (positively) to their own FS whilst contributing (negatively) to the local one. The introduction of this issue is biasing the discussion, de facto trying to find some sort of justification for those investments.

To sum up:

The grabbing of land is taking place since many years by a variety of big actors (national elites, foreign entrepreneurs or speculators). In the last years this seems to accelerate because more public evidences are there. However, if we use another lens, meaning taking out the "nationality" of the grabbers, it would probably be less evident this "increase" because we would be facing a situation where the grabbing is the normality: each time a member of national elite needs a piece of land (for many different reasons – buildings villas, resorts or agricultural purposes), land is taken without any discussion with local holders.

So the point is not to devise the "foreign" grabbers alone, but to make a case on the role of this phenomenon into the livelihoods of concerned actors. This would imply to choose a (qualitative) representing sample and, through a system approach, analyzing the initial conditions of the local holders as mentioned before. The valuation of the whole products and services would then to be used as a benchmark to compare with the promises of the grabbers.

This comparative analysis would allow getting some insight into the role of the grabbing vis –a-vis food security and local economies and devising some policy recommendations for member countries as a whole.

Paolo Groppo
Territorial Development Officer, NRL, FAO
Italy

18. Yulian Junaidi from Indonesia

We need to ask whether the characteristics of the current international investment in agriculture have the same characteristics as during the colonial period. In Indonesia, investments have historically been ladled as "colonial investment" when they were made for the exploitation of natural resources and agriculture, in addition to relying on cheap labour and raw materials. Foreign capital becomes dominant in the structure of Indonesia's investment.
The amount of foreign capital is 86.79 % from the total investment in 2008. The investment controls land on big scale; about 90 percent is controlled by oil and gas industry, coal and mineral industry, rights to control forest (HPH), timber industry, national plantation and private plantation. Only about 10 percent is controlled by farmers. For that we need to know about the national investment policy, which is associated with the paradigm of the political economy of a country. Regulations and laws about investment in Indonesia, for example the Act no. 25 2007, give facility and incentive to the bigger investment especially with foreign capital. Large-scale investments make public access to natural resources disappear, especially regarding land and water.
A result is also a reduction of food production; Indonesia became an importer of food such as rice, corn, soybeans, meat, milk, wheat, sugar in large quantities. Before that, these food products could be produced by domestic farmers. I recommend a concept to be made based on the condition of farmers and marginalized sections of society due to by the investment. We need

to evaluate the implementation of contract farming. There has been exploitation of farmers, due to control of production inputs, production processes and marketing by the companies.
In Indonesia, smallholder involvement in oil palm plantation is about 1.5 million farmers; their activities were arranged under the NES (Nucleus Estate and Smallholder) scheme or contract farming. The companies claim that the income from contract farming will improve livelihoods in the community. But the farmers claim that the companies have so far failed to pay according to their earlier promises, and have so far not even allowed the farmers to see a copy of their contract agreements. We also need to evaluate the REDD (Reducing Emission from Deforestation and Degradation) project, this project has the potential to cause peasants to be forced out of their land and the peasants who live around REDD areas are not allowed to take anything from the forest. We should consider to explore the role of farmer organizations in empowering small farmers to promote agrarian reform, sustainable agriculture and food sovereignty.

Yulian Junaidi
(Indonesia)

19. Khaled Abbas from the Institut national de la recherche agronomique (INRA), Algeria

Foncier agricole et investissement en Algérie

Il est indéniable que depuis plus d'une dizaine d'année les efforts publics pour promouvoir et dynamiser le secteur agricole en Algérie sont considérables. Si dans les premières années de la décennie 2000, le plan national de développement agricole (PNDA) avait misé sur remodelage des systèmes de production par leur reconversion vers des créneaux jugés porteurs ainsi que sur l'équipement des exploitations agricoles, la politique de renouveau économique agricole et rural (PREAR), initiée depuis 2007, a quant a elle introduit de nouvelles dimensions à l'action publique de redynamisation de l'agriculture. En effet, cette dernière, dans une volonté de viabiliser l'outil économique de production a introduit en plus de plusieurs autres outils une stratégie de sécurisation du foncier agricole. A ce titre, il faut noter que l'agriculture algérienne traine depuis l'indépendance une contrainte « devenue taboue » liée au foncier. L'héritage foncier colonial renfermant les terres les plus fertiles et les mieux loties en eau et en équipement, a été géré successivement selon plusieurs formes qui ont pour la plupart montré leur limites en matière de résultats techniques et économiques très en deçà des normes requises. Le dernier schéma appliqué depuis 1987 (exploitations agricoles collectives et individuelles érigées sur les terres du domaine public) a montré à son tour un ensemble de contraintes (conflits, insécurité, manque de statut clair, morcellement ….). La loi sur le foncier agricole mise en œuvre récemment vise l'identification, la responsabilisation et sécurisation des acteurs sur place comme elle assure une transparence permettant un suivi rigoureux de ces terres.
Au plan global, il faut dire aussi que l'Algérie compte d'autres formes plus complexes de foncier notamment les terres privées de type Arch ou tribales (collectives et indivisibles) et les terres Melk ou privées (morcelées et souvent indivisibles entre héritiers), les terres domaniales de parcours (usage collectif) …. Ces dernières formes concernent des superficies beaucoup plus grandes que celles du domaine public (exploitations agricoles collectives et individuelles) mais dont le potentiel est beaucoup plus faible.

Devant le défi lancé par l'état de mieux garantir la sécurité alimentaire par l'accroissement des productions animales et végétales, la donne importante d'exigüité de la sole agricole relative à la population humaine (8.5 millions d'ha/ 35millions d'habitants, soit 0.24 ha/hab.) et la nécessité impérative de préserver l'environnement, l'Algérie se trouve obligée d' asseoir une politique foncière claire et ambitieuse lui permettant de maîtriser le foncier agricole afin de sécuriser les opérateurs et libérer l'investissement local et international.

Les contours de cette politique seraient de mettre en œuvre des outils permettant le libre accès au foncier au bénéfice des différents opérateurs sur la base de plans de charge clairs

essentiellement liés à l'investissement afin de garantir des bases de compétitivité et des potentiels de concurrence élevés, tout en mettant en place un système d'orientation et de suivi transparent et performant.

Cette politique devrait laisser entrevoir la mise en valeur à grande échelle de terres classées peu productives afin d'augmenter substantiellement la SAU (totale et par habitant) et surtout d'assurer une meilleure disponibilité de l'eau. Ces éléments de base permettraient à l'Algérie sur un autre plan de rechercher une dynamique significative de gain de rendements et de productivité grâce à une prise en charge technique des opérateurs et un programme de recherche approprié garantissant :

- une meilleure utilisation des ressources physiques grâce à la valorisation de la diversité territoriale
- une meilleure utilisation des ressources biologique grâce à la valorisation de la biodiversité locale et l'amélioration des potentialités génétiques des différentes ressources biologiques
- un encadrement économique et managérial permanent

Dr. Khaled ABBAS
Directeur de Recherche
INRA Algérie - Unité de Sétif

20. Willy Giacchino from Conseil supérieur du notariat français, France

Dear Sir,

Please find following my contribution.

L'insécurité alimentaire crée par la hausse des prix des denrées alimentaires a provoqué un phénomène nouveau en Afrique : l'acquisition ou la location par des gouvernements ou firmes de certains pays de vastes territoires agricoles pour assurer leurs propres besoins alimentaires : selon la FAO, entre 20 et 30 millions d'ha de terres auraient fait l'objet de transactions ces dernières années.

Causes de l'accaparement des terres :

Pour nourrir les 9 milliards de personnes qui peupleront la terre en 2050, il va être nécessaire de doubler la production agricole : la terre – et l'eau qui va avec – s'impose désormais aux côtés du pétrole comme un instrument de puissance et de sécurité économique : les Etats ou leurs bras armés (sociétés publiques ou fonds souverains) souhaitent garantir sur le long terme leurs approvisionnements en eau et en potentiel agricole.

Or, 50% des terres potentiellement cultivables sont aujourd'hui sous-utilisées, leurs occupants ne disposant ni des moyens nécessaires pour les mettre en valeur, ni d'un accès juridique sécurisé. Ce sont donc ces terres qui constituent la première cible des investisseurs.

La question qui se pose dès lors est celle du choix des modèles de production qui permettront l'amélioration de leur mise en valeur.

Droit à l'alimentation et sécurisation foncière :

En réalité, l'accès aux ressources naturelles qui est l'un des facteurs fondamentaux pour la réalisation du droit à l'alimentation est intimement lié à l'accès sécurisé à la terre : il est en effet particulièrement malaisé de déterminer les droits fonciers des populations rurales dans les pays en développement ou émergents car les lois sont imprécises ou se superposent, les droits d'usage ne sont pas codifiés et les cadastres sont inexistants ou obsolètes.

C'est la raison pour laquelle la question de la gouvernance du foncier doit constituer un élément central de la réflexion sur la sécurité alimentaire : il ne peut y avoir de sécurité économique sans sécurité juridique et notamment sans sécurité foncière. C'est pourquoi il est essentiel que le système juridique préexiste au système économique.

Doter les africains de titres sécurisés n'est-il pas un moyen de leur permettre de lutter eux-mêmes contre la pauvreté en leur facilitant l'accès au crédit ? C'est dans cet esprit que le Conseil supérieur du notariat français a mis en place un groupe de travail sur le *titrement* en vue d'apporter aux pays qui le demandent un appui en matière de sécurisation foncière.

Comment protéger les pays visés par l'accaparement des terres :

Si l'on veut faire en sorte que les pays concernés tirent profit de ces investissements massifs, il convient d'une part de sécuriser les droits des populations rurales et d'autre part de réguler les contrats passés entre l'exécutif de ces pays et les investisseurs (entreprises ou Etats).

1°- SECURISATION DES DROITS DES POPULATIONS RURALES

Les habitants des zones concédées aux investisseurs sont démunis face à ces derniers car leurs droits fonciers ne sont reconnus ni par les acteurs de ces opérations ni par les autorités politiques des pays concernés.

Si la question de savoir *pourquoi* protéger ces droits est de nature politique et économique celle de savoir *comment* les protéger est principalement juridique.

C'est sur ce dernier point qu'une contribution peut être apportée par le notariat français. La mise en œuvre concrète de cette protection nécessite en effet un cadre conceptuel mais aussi une méthode opérationnelle.

L'entreprise de sécurisation des droits des populations rurales sur la terre passe par trois étapes :

- identification,
- reconnaissance,
- protection.

a) l'identification et la définition des droits sur la terre

La reconnaissance d'une pluralité de droits, individuels ou collectifs, sur la terre commence par une enquête de terrain et l'écoute des populations concernée, suivie d'une analyse juridique des droits tels qu'ils sont compris par leurs titulaires.

Il est essentiel de reconnaître la grande diversité des régimes de droits fonciers et de les relier aux questions d'intérêt général telles que la gestion économe des sols et des ressources naturelles.

b) la reconnaissance des droits sur la terre

L'étape suivante est la reconnaissance des droits (que ce soient des droits de propriété, des droits d'usage, de superficie, de concession, des droits au bail ou des droits sui generis) qui pour être efficace doit passer par des campagnes de titrement qui permettront aux populations d'accéder à une reconnaissance formelle de leurs droits sur la terre définis à l'étape précédente (voir l'exemple des guichets fonciers malagasy).

La délivrance d'un titre fiable et incontestable permet cette reconnaissance : c'est elle qui donne ***accès au droit***. Outre la sécurité qu'elle apporte, la reconnaissance des droits sur le foncier

induit de nombreuses conséquences positives telles que la reconnaissance de la dignité de la personne et notamment du droit des femmes, l'amélioration des biens et donc de la production agricole ou l'accès au microcrédit.

Il s'agit avant tout de ***reconnaître le droit sur la terre*** tel qu'il est compris par son titulaire.

c) la protection des droits sur la terre

La protection des droits sur la terre est garantie par l'enregistrement dans un registre public. Pour une question de bonne gouvernance foncière, il semble indispensable de séparer l'étape de reconnaissance des droits, qui est l'œuvre d'un juriste de terrain, et celle de l'enregistrement, qui est du ressort d'un agent de l'État ou de la collectivité chargé de tenir à jour un registre.

Un système de sécurisation efficient doit donc intégrer non seulement l'accès au droit mais aussi sa protection ultérieure en insistant sur la prévention des litiges.

2°- ENCADREMENT ET REGULATION DES CONTRATS D'ACQUISITION MASSIVE DE TERRES

L'acquisition massive de terres se faisant généralement par la signature d'un contrat, il est important de mettre en place une ***charte de qualité*** applicable à chaque pays concerné qui déterminerait avec précision l'ensemble des droits et obligations des bénéficiaires.

Ces contrats doivent être encadrés dans la mesure où ils sont susceptibles de porter atteinte à l'intégrité du territoire, aux ressources naturelles du pays et aux droits des populations locales. C'est en ce sens que la Banque Mondiale souhaite qu'il soit désormais fait référence aux ***voluntary guidelines*** issues de la procédure de consultations mise en place par la FAO sur la gouvernance responsable et le droit d'accès à la terre.
La ***régulation*** est donc de mise en tant que procédé de bonne gouvernance, ce qui signifie que les contrats doivent être équilibrés : s'il est normal que l'investisseur tire profit de son investissement, c'est seulement dans la mesure où il s'engage à respecter un certain nombre d'obligations.

Les obligations mis à la charge des investisseurs pourraient être :

- le respect des droits des populations locales,
- l'obligation de payer l'impôt foncier,
- la nécessité de participer financièrement à la mise en place de coopératives agricoles,
- la formation des populations locales,
- le choix des cultures,
- l'établissent d'un « juste prix »,
- obligation de choisir les ouvriers agricoles parmi les autochtones,
- respecter un salaire minima,
- etc…

La mise en place d'une telle politique serait parfaitement conforme à 3 des 8 **Objectifs du millénaire (OMD)** que se sont fixé pour 2015 les pays membres de l'ONU :

- Réduire l'extrême pauvreté et la faim.
- Assurer un environnement humain durable.
- Mettre en place un partenariat mondial pour le développement.

Best regards

Willy Giacchino
Chargé de Mission pour l'International/Policy Director
Direction Europe et International/External Relations

Conseil supérieur du notariat français France

21. KV Peter from World Noni Research Foundations, India

Booming population, dwindling land and soil bioresources, depleting irrigation water availability, migration of farm labour to non-farming and remunerative sectors, narrowing food baskets, new ifestyles and food habits, climate change, uneven evel marketing field between technology rich and poor countries, widening gap between rich and poor, excess food consumption in affluent countries and consequent wastes, existence of landless poor farmers, diversion of food crops for renewable sources of energy etc are serious concerns in food production including horticultural crops. Land reforms practiced in Kerala have further reduced farm holding size making homestead farming uneconomic. Group farming though successful among plantation crops failed in food crops due to economic and political apathy. In crops where prices are assured productivity has always higher. Rubber, cardamom, black pepper etc are examples. There was neglect of tuber crops over a period of time due to preference for rice and wheat.

A few workable suggestions are:

1. Future crops need to be identified based on the constraints indicated. We are attempting to compile possible future crops to be of use to mankind.
2. Fisheries need to get needed attention .The pokkali system of paddy cultivation was always associated with fish and prawn culture.
3. Poultry especially homestead/caged should get attention.
4. Vegetable forcing in poly houses leads to higher productivity, lesser use of pesticides and less labour.
5. Intercropping plantation crops with annual/biannial fruits will provide additional income to farmers.
6. The share of consumers' money to middlemen appears to be prohibitively exorbitant. A policy to ensure a minimum of 40% of consumers' price to farmers is called for.
7. Harvest and post-harvest losses need to be brought down to minimum possible.
8. Value addition and its benefit sharing to primary producers
9. Interstate movement of agricultural goods at single taxation is called for.

I appreciate the initiative for an on line discussion.

Prof KV Peter Ph D
Director, World Noni Research Foundations,
India

22. Sabina Silaula from Swaziland

As a SADC citizen my comments will be only relevant for this economic block.

1. Much of the land in the rural areas is under the custody and stewardship of the traditional leaders who, for the most part, have been left in the cold from participating in modern agricultural development, land use or natural resources' management discourse and/or ill-equipped to understand, deal and negotiate for improved/effective use or productivity of this asset (land) such that a win-win situation prevails. In this regard the following is suggested:
   - Systematic re-mapping, classification and quantification of land and other natural assets placed under the custody of traditional structures/institutions. This is to be combined with a solid capacity building programme and the establishment of an inclusive platform for a comprehensive and better management and effective stewardship, including land policy/issues literacy.

- Design of a comprehensive framework and systems to ensure effective / productive / participatory use and a systems approach for the protection, regulation and control of natural assets (land,-different types; natural forests, flora, fauna, wetlands, close-to surface-ground water mountain water streams and rivulets)
- Minimize rampant use of land and idle fallow land.
- Review productive Land allocation/leasing, distribution, use, inheritance in light of HIV/AIDS legacy; transformation from subsitence to commercial agriculture.

2. Water utilization management. Most of the water in rural communities (from near-surface ground water, spillages/overflows from wetlands, streams/rivulets (*tihoshe)* from mountains, springs etc) is poorly managed. There is need for capacity building in this area.

3. Agro-forestry and pasture development for communal grazing policy instruments, strategies, monitoring and management systems. This will promote responsible and participatory efforts to minimize land degradation and improve quality of livestock.

23. Christian Häberli from World Trade Institute, Switzerland

Dear colleagues,

here is a presentation I just made to the 2nd UNCTAD Global Commodities Forum in Geneva that is perhaps of interest to the High Level Panel of Experts on Food Security and Nutrition (HLPE) of the Committee on World Food Security (CFS).

I am arguing that international organisations including FAO (or rather their membership) bear a heavy responsibility for the policy fragmentation negatively impacting both global and national food security.

Please access the presentation at this link:

http://typo3.fao.org/fileadmin/user_upload/fsn/docs/HLPE/Presentation_Haberli.ppt

Best, Christian Haberli

Christian Häberli, PhD (Law)

Senior Research Fellow, NCCR Trade Regulation
World Trade Institute (WTI)
Bern (Switzerland)

24. Michiel Keyzer, Max Merbis and Lia van Wesenbeeck from the Centre for World Food Studies, Amsterdam (SOW-VU), the Netherlands

Suggestions for the ToR of Food Security Committee HLPE study on Land tenure and international investment in agriculture

Discussion nr 66 observes that future demand for food requires sustainable intensification of agriculture and expansion of agricultural land; it seeks recommendations on how to deal with the possible negative effects (social effects on small scale farmers, ecological effects, soil mining), in particular foreseen due to the future magnitude of foreign contracting in third parties' lands and agricultural sectors.

Comment

The issue of land tenure is basically an issue of rights, i.e. user rights or property rights of land, and therefore need to be addressed within a legal setting. This is lacking from the proposed ToR, which in its section on “Feedback sought” basically asks for an inventory of land use. This is useful material, but it should also cover the issue of land tenure.

Next, the proposed ToR outlines the scope of the study, containing linkages to issues of food security, volatility, natural resource use, right to food, among others. In our view this will be useful to provide context but it stands too far from the current problems of land acquisition.

We could envisage a study proceeding in the following order.

(1)The drivers. What are the underlying forces explaining the surge in acquisition, and that will remain the driving forces for the coming future.

(2) The concept. Describe the legal form of the acquisitions under consideration. Is it a mere ritual, expressed as a 99-year lease, without any legal protection; or is it a contract enforceable under civil law between private partners or between a government and a private partner.

(3) The impact on production, society, and the environment. This part could synthesize the literature available To assess the impact, a clear conceptual difference should be made between new investments (flows) and the management of investments done in the past (stocks). This could also provide insights in changes in behavior of foreign investors over time.

(4) Specificity as FDI. To what extent does this type of investment differ from regular FDI in other domains? Also to what extent are the investor countries engaging in it today, doing something different from what multinationals have been doing for ages: geographically, socially, and regarding environmental sustainability. For example, a crucial difference could be the size of the investments in terms of area (impacts on biodiversity and customary law and regulations), while obvious parallels include the debate on the benefits for the host country in terms of employment, profits, access to finance and markets.

(5) Regulatory framework. There is need to establish a regulatory framework, which to possess any strength, cannot be limited to arrangements in the country where investment occurs. Rather, the considerations will have to include regulations to guarantee the accountability of both the investor in the country of origin and the eventual firm, say, through mandatory labeling of the products sold. Possible lessons learnt so far from regulatory efforts for FDI in general could be taken as point of departure.

25. Peter Vandor from Hungary

Dear Forum Members,

I suggest to include the legal aspects (both legislation and implementation as well as law enforcement) into the aspects of existing land use practices asnd trends with special emphasis on the collective user rights and the costumary tenure systems. It would be important also to review what are the technical and political instruments to safeguard the above rights and practices for the indigenous local population.
While mapping the various instruments, again the legal aspects should not be omitted. Land grabbing, especially by the local elite could be easily controlled and limited in case of proper law enforcement in many countries both related to access as well as to the proper use of acquired lands.
Regarding the expected recommendations I suggest to include rural infrastructure development as one of the important necessary preconditions for making a success the integration of small scale producers into various production systems.

26. Luisa Cruz from FAO, Italy

Dear all,

The discussion and the comments posted so far reflect in a comprehensive way the complexity of this subject. Leaving aside specific issues to be included in this study, a general consideration is however to adopt a wider approach in the analysis that will be undertaken. In its current outline, adding an opening segment about the rationale and purpose of such investments would be appropriate. As for now, the issue of land use is set out from different levels (global, regional and continental) and the study wonders how to fulfil economic, social and ecological objectives –as mentioned in the first part-. However, there is no section that discusses/introduces those objectives as such. Therefore, what is the aim of these investments in the context of sustainable development and who benefits from them seems to me a starting point to pave the way for any recommendation.

There are no doubts about the benefits of investing more in the agricultural sector. International efforts including UN actions and programmes go in that direction. But, how to do it and above all, for what and for whom, are the main questions that need to be addressed. I would like to concentrate on the third point (mentioned as one of the possible scopes of this study) (iii) Tools to align large scale investments with country food security strategies.

- A brief consideration on this bullet regards the pure formulation of it as it is right now. It presumes that large scale investments need absolutely to be made, as an assumed positive model that should be just harmonized with national food security strategies. Through this approach the study would be answering in advance to one of the main questions it wants to deal with, which is defining the role and value added of each type of agricultural investment. It would be recommended to keep an unbiased approach rather than assuming that leasing or buying large portions of land is required to build economic, social and environmental development.

- A second aspect regards the conditions under which international investments are made and the consequences for people's food security in the host countries. Those conditions imply flexibility enough but also concrete limits that this study should include and analyse. Everyone agrees that an adequate policy environment is a main condition for investments to take place. However, while the political environment needs to be favourable enough for investors, the responsibility towards the local population is crucial for sustainable and successful outcomes in the long term. The contracts for investment need to comply not only with minimum principles and standards commonly agreed between the contracting parties, namely, governments and private agents or between governments (depending on the nature of the investment). Such agreements need to respect core limits, core obligations that a large majority of States have accepted and translated into concrete international treaties and also into national laws. Negotiation in the host countries cannot lead to undermining the protection of local communities' interests often recognised as legitimate rights. People having such rights must be considered as main actors in the negotiation of those contractual arrangements. A previous comment mentioned the issue of voices that never were heard. In fact, it is not a matter of inviting people to the table; it is indeed a duty and in some cases an obligation for governments to do so. Participation is often understood as a principle to be interpreted in a soft and flexible way. As a civil and political right, populations concerned are key actors to be consulted through transparent procedures.

Taking into consideration both, States obligations and their compliance with human rights law is particularly relevant for paving the way for sound recommendations. Since the main concern remains the large number of hungry people in the world, the analysis in this study should be framed by an approach that focuses precisely on those people. Access to food in dignified conditions is both, a human right and a political goal for governments. A human rights-based approach to development brings exactly that. However, human rights instruments need to be interpreted and implemented in the context of concrete challenges at local level. Being food

security our main concern here, the right to food must be part of this analysis from a twofold perspective, both as an objective to achieve and as an approach for sustainability in the long term. The International Covenant on Economic Social and Cultural Rights and the Right to Food Guidelines give the framework mentioned above. They need however to be enriched by local realities in order to be meaningful for all parties involved (governments, private sector and civil society). Local governance should be built upon those principles. Flexibility enough is required to define strategies including all stakeholders but limits are indispensable to respect and ensure the realization of people's rights (either land rights or human rights).

So when we think about tools to align investments with food security strategies, many of such tools already exist. We can mention different types of tools as well as soft instruments but it shall not be forgotten that agreements and legal commitments have been already sealed up. In that sense, regarding point 4, a mapping of such international instruments that influence land use is certainly useful but the study should go beyond in order to address the meaning of such agreements and the mechanisms for significant implementation at local level.

Luisa Cruz
Right to Food- FAO

27. Nastasia Belc from the R&D National Institute for Food Bioresources, Romania

Concerning „HLPE study on land tenure and international investments" I think the the scope is very appropriate for the study and it reaches all the issues necessary for having the right and appropriate conclusions.

For the subject 2. Existing use and trends of land and natural resources, the title a) „Mapping tools and perspectives of available and use land" is more appropriate to the questions

I can give an example here about „available" or „reserve" lands, so:

There are contaminated lands (former military establishments, chemical companies, other industrial companies...) which can be used for crops used for biofuels or for other destinations than food (plastics, etc). Another use of these lands (but also of another lands that can not be used for agriculture) can be growing micro-algae (or others) with all many applications already known (cosmetics, food, farmaceutics). These micro-algae are grown in open or close systems (bioreactors, plastic bags, etc.) not directly on the land.

To the b) point, the first question – I think there is quite difficult to ask, as expert, making a comparison of regional differences, only if there are some studies already done in this aspect. Also, at this point there are not sufficient questions addressed to the issue – maybe there is needed to know the existing studies done for using the land (future developments but also the history of the land).

One of the main part of the study is represented by the point 3. Role and effects of scale (larger scale plantations or small scale farming).
The scale of farm, the optimization of the scale farming is one of the issue that has to be taken into consideration from the beginning from different point of views (food security, incomes, productivity, sustainability, etc.), that is why I consider that would be the main points to emphasize in the report.

Belc Nastasia

28. Tony Weis from the University of Western Ontario, Canada

I have organized my feedback according to the questions posed:

* Is the scope is appropriate?

It seems to me to be a glaring omission to be considering analysis and policy recommendations about prospective gains and losses in the realm of land tenure and international investment without positioning these against the potential gains associated with redistributive land reform. I would urge making something to this effect a fourth key area of analysis and policy recommendations at the outset.

In the preface, there is a conflation of productivity with yield, and I think that this needs to be problematized by a recognition of the vast and unsustainable use of inputs and the attendant resource budget that is typically embedded in high-yield monocultures, in particular fossil energy and derivatives. Related to this, I believe that the assessment of environmental impacts should be disaggregated to draw attention to both the burden from production itself (e.g. greenhouse gas emissions, water consumption and pollution, etc.) and also the multi-dimensional dependence of some models of production upon non-renewable resource budgets – in particular with respect to fossil energy – and the limits of this resource supply. This threatens to be a powerful constraint not only to particular models of production, but also to the further linkage of food security to long-distance trade patterns.

In identifying the importance of investigating and analyzing "the dominating aspects of land use on water and natural resources," I would encourage adding: "and as a major factor in anthropogenic climate change." Similarly, regarding the claim that food, feed, and biofuels are likely to "require substantial increase of land and other resources for agricultural activities", I would encourage setting this against attention to atmospheric impacts of land use change and the great risks posed to future productivity by intensifying climate change. In my eyes, this points to the need for more attention to the central imperative of climate change mitigation.

* Have important elements been omitted?

As suggested above, I would envision a discussion of redistributive land reform as one of the central priorities for analysis and discussion. Increased attention to land reform analyses might also be flagged in the 'Expected recommendations' (5)

As indicated, I would encourage giving more explicit attention to the dependence upon fossil energy and derivatives in large-scale industrial production, and in long-distance trading patterns (and food security strategies), as well as the problems posed by fossil energy limits.

I think the imperative of climate change mitigation needs to be factored into discussions of the "mapping of available land," which points to the need to consider the net carbon flux in any agricultural expansion.

The discussion of the Role and effects of Scale (3) is framed between 2 poles: 'larger scale plantations' and 'smaller scale farming'; nowhere does industrial livestock production appear. This exerts an enormous an uneven pull on world grain and oilseed supplies, and I would strongly encourage its inclusion.

* Should any of the elements, below, be left out?

In the 'Tools allowing the mapping of available land', I would urge that the prospects of further agricultural land expansion – particularly where it involves the conversion of natural ecosystems – to be set against the climate change impacts (i.e. consideration for emissions in clearance and lost sequestration capacity) and by the implications for biodiversity.

* Main points to emphasize in the report?

I believe that the assessment of land tenure and international investments not be approached in a vacuum without an appreciation of the potential social, economic, and environmental benefits associated with redistributive land reform.

In the consideration scale, it is important to recognize that yield is only one measure of productive efficiency, and that it must be set against the environmental and atmospheric burden and the resource budget of the inputs in high-yield monocultures, and the fact there are different ways to assess total land use productivity.

Finally, I have concerns about how this key statement is framed: "The global increase in demand for food, due to population increase and more importantly diet change will affect the need for land and other resources." It seems to imply that the current trajectory of dietary change is bound to increase demand for food, when the radical transformations in human diet, especially over the past half-century, are increasingly being recognized to be unsustainable (to say nothing of their adverse health implications, in terms of things like obesity). Future movement away from, rather than towards meat centered diets is one of the most fundamental means to reducing the land, water, and atmospheric footprints of agricultural systems. Given the indicated attention to diet and population, I would urge that some emphasis be given to the incredible growth in industrial livestock product over the past half century, and the inefficiencies in cycling large volumes of cereals and oilseeds through industrially-reared livestock to produce food. In this, it would have strong traction from the very important FAO report Livestock's Long Shadow.

Sincerely,

Tony Weis, Ph.D.
Associate Professor of Geography
The University of Western Ontario (CANADA)

29. Angeline Munzara from the Ecumenical Advocacy Alliance, Switzerland

General Comments

1. The scope of the study seems very ambitious. Our query is how it can be operationalized in a manageable way. Perhaps it will be clearer once the methodology is in place.

2. We miss a section on methodology in this proposal. We propose that the scope be refined in accordance with the methods considered for the study.

3. What major data sets are available to serve as the primary source materials for answers to the proposed questions?

4. We are of the opinion that by focusing on the ways to best fulfill economic, social and ecological objectives, the study will be somewhat self-limited in its capacity to address situations in which trade-offs are not possible unless economic interests are constrained by the limits of ecological sustainability and a just distribution of land resources. What if the drivers found are in contradiction with, say, social or environmental concerns?

5. It is of our opinion that given the high degree of land diversity, a more explicit account should be included of the asymmetries between regions as to productivity, water availability and governance.

6. It is our impression that the way in which the research questions are set out suggests that large-scale plantations and small-scale farming might constitute two complementary entities with the potential to coexist in harmony. We would like to propose that the study

aims at characterizing the underlying explanatory reasons why industrial agriculture is the prevailing model. The study should also focus on addressing consumption challenges and address questions as to whether industrialized societies –and middle classes in the South are willing to substantially alter their consumption patterns so that hunger can be eradicated once and for all?

7. The EAA would like to propose that the study defines the most vulnerable groups: women (disagregated by age, family status, and race), landless families, migrating families, small scale farmers, who may be making their income in marketing of local products.

8. The EAA welcomes the discussion on customary land rights. This is critical for the poorest and those living on marginal lands. It may be important to look at local land tenure mechanisms and how they interface with legal structures (tensions/mechanisms for appeal).

What is missing in the Scope of Study?

The EAA identifies the following elements as missing in the scope of study

i) How are land, water and agricultural investments being tracked? Are the tracking mechanisms transparent? Are there any success stories and what are the lessons learned?

ii) What are the mechanisms in place at global/ regional and local levels?

iii) What are the interests/People/ companies behind the investments? Who is benefiting? Is there some kind of mapping of this? What are the patterns?

iv) What kinds of investments are being made to small scale agriculture? By whom? What are the drivers or impediments to these?

v) Whilst is it widely accepted by the FAO and others, that investments on increased production can have a large positive impact on growth and poverty, in what circumstances do such investments possibly jeopardize food security? What indicators/mechanisms could help monitor this?

vi) Are communities being consulted? How? What is the quality of the consultation? When is the Prior Informed Consent reached?

Specific Comments

1. Framing the drivers of the revived interest in investments in land and agriculture

The role of the national, subnational and local government in the supply of public goods should be added as “d”.

3. Role and effects of scale (larger scale plantations or small scale farming) – We propose the study be enlarged ; not only to look at small scale farming, but additionally the use of land for grazing, fetching fire wood, water resources, fruits and hunting.

Also add to the last bullet point: “What are the impacts in terms of power/empowerment (power in decision making and in participation regarding ressources)”

4. Mapping of instruments that influence land use at different aggregation levels- include mapping food security policies of the government by using the the FAO Voluntary Guidelines on the Right to Food.

5. Expected Recommendations- The EAA proposes the following additional recommendations:

- what can be the role of states in dealing with unsustainable investments?
- what market based instruments are available to control investments, financing and speculation in land
- How to deal with failing States

Regarding the HLPE study on land tenure under 5) expected recommendations, first bullet it is stated: *What policies are possible and which instruments can be applied to align large scale investments with country food security strategies?* Given the existing and increasing world wide challenge to reduce hunger and poverty the EAA would like to suggest a more demanding approach regarding the criteria for large scale investments. We are of the opinion that they should not only ´align with´ but should actually contribute towards country food security strategies.

Angeline Munzara

30. Antonio Tujan from the IBON Foundation, the Philippines

Dear FSN moderator:

Please find the following comments and suggestions on the draft scope of the study:

Part 1
The study should give a holistic framing of the drivers of the global farmland investment rush. The underlying drivers that fuel the interest in large-scale farmland acquisitions are not disparate but obtain from the very model of agriculture and economic development that prevails globally, to wit, globalization, the expansion of industrial agriculture via agribusiness-led commodity chains, trade liberalization, food security policies based on free trade and not self-sufficiency, financial deregulation, rapid industrialization and export-oriented growth as the path to pursue development, urban expansion, patterns of consumption associated with affluence, etc. These drivers do not operate in isolation and it is important that the report highlights their interactions, and their basis in our current economic and development models.

Part 2
The mapping of available and used land should identify land under customary land tenure systems and how much is classified as “idle” or not in agricultural use. This would help policy-makers identify what groups of people using land under customary or traditional regimes are vulnerable to being displaced by foreign land acquisitions.

Part 4
The mapping of instruments that influence land use should include underlying drivers or indirect factors that influence investment patterns such as:

- Trade and investment policies, trade and investment agreements, and country development strategies (with respect to large-scale export-oriented crop production, ease of entry of FDI, protections and privileges accorded to FDI, etc.)
- Agricultural and food security policies (e.g. self-sufficiency vs. reliance on external trade)
- Carbon markets, carbon offsetting and the Clean Development Mechanism (with respect to biofuels and plantation projects that qualify or take advantage of carbon credits)
- EU/ government energy policy or energy security objectives (with respect to biofuels)
- Financial deregulation, financialization of commodities trading (with respect to commodities speculation)

Part 5

Among the expected recommendations listed is "What policies are possible and which instruments can be applied to align large scale investments with country food security strategies?" The rest of the recommendations seem to revolve around the exercise of exploring ways to arrive at an alignment or harmonization between large-scale land investments and the motives behind them (e.g. profit) on the one hand, and host country objectives, rights and welfare (in terms of food security, development and environment) on the other.

Before doing this, the study must first identify precisely *what* types of land or agricultural investment would best promote food sovereignty, human rights, development, and ecological sustainability. *What types of investments in what agricultural systems will work best where, and what are their potentials in fulfilling food security, social justice, sustainability, and development goals, as well as their consistency with the objective of reforming our agro-food system which many studies—including the landmark IAASTD—have found to be deeply dysfunctional?* There are to be sure other agricultural systems apart from large-scale industrial agriculture that can meet broad social and sustainability goals just as well or even better. An evaluation of the desirability of acceptability of agricultural or land investments on the basis of their potential to fulfill broad social goals is needed. *What trade-offs would these types of investments involve? To what extent can riskier and undesirable foreign land investments be avoided or rendered unnecessary by changes in agricultural and economic models, policies and institutions domestically and internationally?* A recommendation on this could follow from the findings made by the study in Part 1.

Other important comments, suggestions, and possible areas for research:
The report should be consistent with the findings and conclusions of the International Assessment of Agricultural Knowledge, Science and Technology.

The study should acknowledge that many players that compete for arable land and influence land use are not motivated by the promotion human rights, food security, development, and public good. Some players are driven by motives that are demonstrably incompatible with the fulfillment of human rights and development goals.

The report should strive to give a more complete and precise picture of the extent and prevalence of foreign land deals, given the current lack of publicly-available data. There is an urgent need for field research in host countries for policy-makers and the public to have a deeper understanding of the social, economic and environmental impacts of these foreign land deals.
This study should also look into other conditions that put people at the receiving end of these investments at risk, for instance, weak land rights protections, the absence of land reform, inequalities in land ownership, etc.

Best regards,

Antonio Tujan, Jr.
International Director
IBON Foundation, Inc.
Philippines

31. Fritz Schneider from the Swiss College of Agriculture, Switzerland

Dear moderator

Based on the processes which lead to the publications "Livestock's long Shadow and "Livestock in a Changing Landscape" I offer the following comments to the draft TOR as received by the CFS:

In the land use options the study should also look at the influence on bio-diversity (plants and animals) as well as on the impact of climate change on the land use patterns.
Under 2. Existing use and trends of land and natural resources, a) mapping of available and used land, I think it will be very important to get a global picture. This will be immensely useful to predict the potential agricultural and livestock production. Here again the impact of climate change on the overall potential has to be addressed as well as the impact of the increase in the demand for animal based food.
With best regards

Fritz Schneider
Head Agriculture
Swiss College of Agriculture

32. Working Group on Land, GIZ, Germany

General Comments

1. We appreciate the initiative of the HLPE to analyze various aspects of investments into land as requested by CFS 36 on the basis of evidence-based information. We regard this analysis as important since the current phenomena of investments in land has complex economic, social and ecologic implications that require profound analysis before developing recommendations how to deal with this development. The HLPE working group on land tenure and international investments should take part in the consultations of the zero draft of the Voluntary Guidelines on Responsible Governance of Tenure of Land and other Natural Resources. In addition, the findings of this working group should be fed in the process of the elaboration of the Principles for Responsible Agricultural Investments. Therefore we welcome the effort of the HLPE and also appreciate the possibility to comment on the concept at this early stage.

2. However, we find that the proposed scope is very general and lacks focus:
    a. In case a final version of the study is supposed to inform the CFS in October 2011, the timeframe is very ambitious. Several aspects of the proposed scope require data collection , which might not be possible in the time given. We recommend to narrow down the scope on key aspects. For example, the first question "*How can objectives, economical, social, ecological, best be fulfilled within the technical and biological constraints?"* is already very broad and should be more focussed to be realistically answered within the scope of the study. Also part 2.b. does not clearly spell out the reasoning and objective of that sub-chapter.
    b. Despite its title, the scope does not focus on land tenure issues. We recommend that the study includes the relation between existing land tenure systems and international investment in land as one of the central aspects for analysis.

3. It is our impression that the study aims at describing investments in land as a positive element of agricultural policies. Therefore critical aspects and risks of investments in land, such as potential negative impacts on access to land e.g. for marginalized groups are missing, and should be included.

4. The study should not focus only on international investments in agriculture. In several countries one can observe a considerable trend of national investors to buy or lease land e.g. for the production of biofuels etc. In addition, the role of public investments should be considered. It would be therefore necessary to look into all investments into agriculture.

5. The ToR should make a reference to guideline no. 8 of the voluntary guidelines on the progressive implementation of the right to adequate food, which describes the final end why access to land and other productive resources are such an important issue: a human rights issue.

Specific Comments

On part 1:

6. The part with definitions should be kept as short and focussed as possible. We consider it more important – than listing food security strategies of various organizations –in how far these different strategies imply obligations to act and where gaps do still exist in the relative legislation, respectively.

7. Several main drivers are not yet included:
   a. biofuel policies in different (northern) countries,
   b. trade policies and trade agreements, including bi-lateral investment treaties
   c. national and regional policies for access to natural resources

8. This first part should also include a sub-chapter of the main risks in order to avoid negative impacts of investments in land in line with the Do-no-harm principle.

9. The Regional Economic Communities play a more important role than the AU and should be included under 1 (b).

10. Price volatility is not part of food security strategies but rather a frame condition that needs to be dealt with.

11. The private sector should also be looked at in their role as employers, including the obligations arising from corresponding international and national employment rights.

On part 2:

12. This could be a section where overall land tenure issues and trends (e.g. land tenure patterns, rising conflicts over land, property rights, land needs for future generations...) could be addressed (also related to comment 2b).

On part 3:

13. It needs to be clarified whether the questions should be answered on the basis of case studies – which would require substantive data collection – or in a theoretical/summarizing way. In the second case we see the danger of making very general statements only which might not have the evidence needed.

14. The current scope focusses entirely on agricultural uses of the land, other land uses such as pastoralism, water protection / catchment areas, collection of fire wood, fruits, hunting, are not considered at all.

15. In addition, we do not see yet, and recommend to include the aspect of land tenure questions. The current sub-questions do not take into account the effects and interdependent impacts of production model, land size and land tenure at all.

On part 4:

16. We are wondering wether this part is supposed to purely list the different instruments, or, should an assessment and valuation of the different instruments be included? (Which we regard as more suitable for making the study as relevant as possible).

17. Technical instruments such as GIS, land registration processes, mapping and others is missing.

18. "Human rights instruments" should be added, particular relevant documents such as the International Covenant on Economic, Social and Cultural Rights and the above mentioned Voluntary Guidelines on the Right to Food (which should be seen as a central reference document for the study, given also its high legitimacy in the FAO context.

19. Further, reference to national poverty reduction strategies and worker's protection should be included.

On part 5:

20. This part appears to preempt the results of the analysis by implying, a "win-win" situation would be possible under any circumstances. Also the limitations and trade-offs between productive, social and ecological objectives – if encountered during the study – need to be included.

Working Group on Land
(under the Arbeitskreis Welternährung)
GIZ - Deutsche Gesellschaft für Internationale Zusammenarbeit

33. Gabriel Popescu from the Academy of Economic Studies Bucharest, Romania

- Increasing agricultural production in the next period, has, above all, a double meaning:

- Avoiding or reducing the risks of occurrence of a food crises, which can manifest on a planetary scale, but with catastrophic consequences in countries with weaker economies and minimum agricultural resources, risks determined not only by the natural population growth but also by the significant changes, regarding quality, in the population diet;

- Increasing agriculture's contribution in the unconventional energy production, with reference to bio energy, which would mitigate the effects of the oil crisis.

- Legal status of land ownership, generally configured on the ancient Roman law system, should be redrafted in accordance with the requirements of the new agrarian realities that exist at planetary, regional and national levels.

- Agrarian policies recognize two main actions that determine the increase of production in this area, namely:

    - increasing yields per unit of production;
    - increasing the areas of land or the livestock;

- For both directions additional investment factors are needed, suported by resources from both the public and private sector. Please note that accessing the two is mandatory when the intensive production systems are prevalent.

- The issue that arouses interest but also differences in the decision-making process regarding the proportionality of the two sources of investment, results from the doctrinal basis of the

agricultural policies, but mainly from the availabilities and the general potential of the economy.

- Experts from the field of agrarian economy have unanimous agreed that the increase in production, by increasing the surface or through the efficient management of land, can reach more than one third of the total harvest increase, reason that justifies or motivates the guidelines of the researchers from this area, in the last period, twords land, as the main input, but also as a detrminant element of ownership.

- Since food security is an issue that transcends national boundaries, then the issue of ownership of land can support similar approaches. That is why agricultural policies, regardless of country, region or objectives should be based on a common denominator in terms of land fund namley land ownership, in all its legal forms.

- In a holistic view, this is the main landmarks, or unknown aspect that any agricultural or land policy, is required to resolve:

    - land ownership as the basis for stable agrarian relations, regardless of the actual forms in which it occurs (economic, social, cultural and political), but also for the farmers(landowners) income.
    - landed ownership as a support of the relationship between public power and landowners, through which public power must comply with its fundamental attributes to the nation: insureing food security and safety and environmental protection;
    - land ownership, as support for the relationship between producers (landowners) and agricultural markets, relationship in which the producers are subordinated to the competitive market rules, in their dual position as owners and producers, but especially as managers of what is most expensive for the human beings, as biological entity, namley - food.
    - land ownership in all the legal attributes which it manifests, or just those related to fruit and usufruct, as a form of relations between countries.

Prof.Dr. Gabriel Popescu
Academia de Studii Economice Bucuresti
Academy of Economic Studies Bucharest

34. Mohamed Wakrim from Morocco

Bonsoir,

En réaction à votre dernier e mail, je vous envoie ci après une courte contribution concernant le volet Instruments politiques.

Je vous en souhaite bonne réception.

Mohamed Wakrim Maroc

Pour la préparation d'une assiette foncière de production agricole qui soit à même de répondre aux ambitions et objectifs d'un développement agricole rentable, compétitif et durable, plusieurs dispositions et mesures à caractère législatif et institutionnel, peuvent être envisagées. Quelques suggestions :

-Politique d'aménagement du territoire, privilégiant une préservation accrue des terres agricole et leur sauvegarde dans le cadre de différents documents d'utilisation des terres' y compris ceux d'urbanisme,

-Politique en faveur d'une plus grande sécurisation, mobilité et valorisation de la propriété foncière ; Politique qui soit à même d'assurer la bonne gouvernance des droits de propriété foncière. (Melkisation/privatisation des statuts ambigus, généralisation de l'immatriculation foncière, organisation des baux ruraux, etc.)

-Politiques de renforcement et d'amélioration du secteur de l'enseignement agronomique et son adaptation aux évolutions actuelles, intégrant notamment la dimension environnementale de l'activité agricole,

-Politique de renforcement et d'encouragement de la recherche agronomique,

-Dispositions en faveur d'une plus grande différenciation des politiques d'investissement et d'incitation agricoles (Crédits, subventions, fiscalité, etc.) dans le sens d'un plus grand respect des vocations et des aptitudes dominantes et pour favoriser la rentabilité et la durabilité, (Il y a actuellement une généralisation des dispositions au territoire national)

-Politiques d'élargissement et d'opérationnalisation du secteur coopératif en agriculture,

-Politiques de promotion de la certification/labellisation et d'orientation vers une agriculture respectueuse de l'environnement.

35. Sofia Monsalve Suárez from FIAN International

Comments presented by La Via Campesina and FIAN International

1. Although land tenure is part of the study's title, its proposed scope barely touches upon land tenure issues. If the study wants to address land tenure and investments in agriculture, its main focus ought to be the interaction between the two tackling questions as, for example, what type of investments strengthen/undermine security of land tenure for which social groups, what type of investments promote an egalitarian pattern of land tenure, what type of investments promote concentration of land and water resources.

2. It is not clear why the study should focus on international investments only as the title indicates. The CFS mandate for the study did not make any restrictions in this regard. Local and national investments deserve attention as well.

3. A brief discussion about the concept of investment will be useful. Different types of investment in land and agriculture which are crucial to ensure sustainable local livelihoods but which are not fully monetized (e.g. unpaid women's work, collective forms of work based on solidarity networks like extended families, neighborhoods, villages, etc.) and are seldom measured should be taken into account. In our view, peasants are the first ones who invest in their lands to increase food production. Likewise, public investment in agriculture should also be considered.

4. Point 1 mixes different issues and levels of analysis. We therefore recommend a complete revision of this point as follows: Since item a in this point deals with a much broader and more fundamental discussion the issues mentioned in item a should be developed in a separate point which should become point 1. Taking into account comment 3, the current point 1 should become point 2 and be reformulated as „Different types of investment in land and agriculture and respective trends and drivers“ . Point 3 item iii already touches upon some of these issues, but they need to be more systematically addressed.

5. Point 2 should be complemented by land tenure issues, including, for instance, land tenure patterns in the different regions, main tenure issues such as increasing conflicts over land and water, land grabbing, forced evictions and different forms of land dispossession of the rural poor, increasing concentration of landed and water resources in few hands, etc.

6. Point 2 should also clearly address environmental and sustainability issues. The discussion about land and natural resources uses cannot ignore the environmental and climate crisis. Therefore it is necessary to assess what kind of land and natural resources uses are detrimental for the preservation of the food producing resources of future generations and what types are sustainable. We encourage the HLPE to build on the policy options identified by the IAASTD in this regard.

7. In point 3, item i, the second question seems to be biased to an specific constellation: the integration of small-scale farmers into global markets. It would be better to ask without prejudice what types of agricultural producers exist today, how they farm, what types of relationships exist between them and what types of outcomes can be observed in the different patterns of interaction in terms of ensuring the rights of peasants, local and national food availability, sustainable use of natural resources, etc.

8. La Via Campesina and FIAN International strongly encourages the use of the human rights instruments mentioned in point 4 for the elaboration of the study.

Sofia Monsalve Suárez
Land Programme Coordinator - Coordinadora del Programa Tierra
FIAN International Secretariat
Heidelberg, Germany

36. Concern Worldwide, Ireland

Concern Worldwide feedback on the Consultation on Land Tenure and International Investments in Agriculture

General comments on the TOR

In terms of linkages between land tenure and agricultural development, it would be important to consider who will be farming in 40-60 years time and what will be their relationship with the land i.e. owners, renters or management?

Proposed scope of the HLPE study

1. *a) Exploratory land use options at various scales*

   - Would suggest removing global, and adding national level context which is perhaps of more relevance.

   b) Role of food security strategies at country and regional levels
   - *explicit policies orientated to accessibility to food* – this would provide a good opportunity to examine the positive and negative impacts of the various policies, which proved most effective. We would suggest broaden this point out to not only focus on policies orientated to accessibility, but to availability also.
   - We would suggest it would also be important to look at ECOWAS, SADC and COMESA as economic blocks.
   - Stocks/grain reserves should be included and their potential, or limitations, to stabilise prices and contribute to accessibility.

c) Role of the private sector in land use

- Concern would suggest including considerations on the value chains under this section.

2. *a) Mapping of available and used land*

We welcome the question on definitions of idle, waste available and reserve land, recognising that these can be easily misinterpreted / represented and differ according to context.

- It is important to be mindful that small scale farmers are not a homogenous group and will contain many 'marginal farmers' i.e. farming yet hungry and small scale farmers that range from across a spectrum. Some farm may not be viable, with farmers having to diversify and look for alternative employment even. Allowances should be made in the study to reflect the reality of different types of producers. In addition, the effects/impact of land acquisition and of tenure will differ between larger farms and small scale producers and information on this should be disaggregated.

- In relation to mapping tools, an aspect that could be added to this question is who partakes/inputs into the design of such tools, who partakes in the actual process of mapping itself.

- Investment in land is not only by foreign nations and companies and as such it would be important to treat land acquisition and perspectives thereof across the spectrum of investment.

2. *Role and effects of scale*

- This section needs to bring out the issue of ownership of land for small holder farmers (which could be one of their few assets). This will have implications on how they invest and is therefore very relevant for productivity of land.

- There should be a focus on the (inter-)relationship between large scale and small scale agriculture and whether they can benefit each other.

- Large scale investment is the same as the use of any natural resource – and examination needs to look at how the benefits are best capture for society. Professor Paul Collier, Director of the Centre for the Study of African Economies at Oxford University, has presented the idea of 'decision chain' for the process of decision making in relation to natural assets. Deciding on what to do with revenues is a key link in this chain. Decisions need to be made as to whether to consume, or to save, as a result of the benefits accruing from natural resources. There is a clear argument for developing countries to save. However, consideration needs also to be made as to what to do with those savings, for example investing in the social sectors, or whether a country simple is acts as curator.

- When looking at smallholder ownership, it is necessary to look at who (as an individual) gets these rights and are there gender implications for this. Is ownership given to a head of household or the person who uses it, mostly women? The gender dimension needs to be more explicitly incorporated into the various study questions.

- In addition to focussing on land tenure and international investment, this should be considered within the framework of *global trade* – for example is this stopping under-productive, smallholder farmers in developing countries meeting the gaps.

3. *Mapping of instruments that influence land use*

- In addition to mapping instruments, it might be useful to assess which are most important, and at which level, for instance, taxation and subsidies in country may be much more relevant than *draft voluntary guidelines*.

Kind regards
Jennifer Thompson

37. Nora McKeon from Terra Nuova, Italy

1. My major criticism of the Terms of Reference as presently framed is that they do not target the specific function of the Committee on World Food Security for which the support of the HLPE is being sought: that of deliberating on key policy issues from the viewpoint of enhancing the food security of the world's population and the attainment of the right to food. This objective is hinted at in the last paragraph of the section on "feedback sought" where it is stated that the HLPE study will try "to assess what kind of investments are needed to achieve development objectives, giving particular attention to poor farmers, women, indigenous peoples, pastoralists, forest-dwellers, and other marginalized groups, etc." However, this objective is left hanging: it is not translated into concrete terms in the successive description of the scope of the study. The HLPE studies will not perform their extremely important purpose if they are not conceived in function of the CFS needs they are being asked to meet and taking into account the framing elements that are already pre-defined in the CFS mission and reform document.

2. The study as presently framed does not address the paradigmatic "driver" constituted by the assumption that large-scale, technology-intensive agriculture is more productive than small-scale family farming and "hence" (again an assumption) makes a more positive contribution to food security. I think it is essential that this assumption be examined. Indeed, the starting point of the study could be: what model of agriculture is best able to meet food security goals in a sustainable way? What kinds of investment are needed to promote this model? Question 1 a. gets at this basic question, but it could benefit from a clearer and more explicit restating. Section 3 (role and effects of scale) also gets at some of the issue, but is not well formulated.

3. The study as presently framed seems to assume that land use and production issues can be treated independently of how the different models under examination are integrated into more comprehensive food systems. The role of policies in enhancing or impeding the potential of different models is also underemphasized. E.g. point 2 b) talks about wealth and poverty as determinants of use and overuse of land without acknowledging that these "states" are not god-given but are determined by policies that can be changed.

4. Point 4 of the outline seems a bit ambiguous to me. Is the point to map instruments which presently impact on land use (negatively and positively)? Or instruments that could be used to have a positive impact? It would seem useful to cover both, but to separate them out.

5. Point 5 of the outline refers back to my comments nos 1 and 2 above. Surely the objective is not to see how to align large scale investments with country food security strategies, but rather to see what kind of investments (large scale and small, external and internal) are needed to support these strategies and what is required to ensure that the strategies themselves effectively target the food security needs of the majority of the population and are not overtaken by the "urgency" of gaining access to investment and/or the interests of the most powerful stakeholders.

I would suggest an overall reframing of the TOR of the study taking the above comments into account.

Nora McKeon

38. Martin S Kumar from SARDI Aquatic Sciences, Australia

Dear FSN Moderator,

Integrated Agricultural Resource Management is the Key
I have restricted my contribution to key points in order to prepare the TOR/Frame Work for HLPE project development with particular reference to the integrated agricultural (integrated Fisheries and Aquaculture) Resource Management Project.

I. Context

I read the several contributions with great interest. Majority of the contributors highlighted one important point- "produce more with less". Every member who contributed agreed that the exploding population, rapidly degrading land and water resources, depleting water availability, climate change (slogan in recent times!!) combined with unfair trading and an uneven marketing field between rich and poor countries has caused a narrowing of food baskets. It is clear that we must significantly enhance productivity in a sustainable manner. Government policies and political willingness along with public awareness must support sustainable agriculture development.

II. The purpose and focus of my contribution:

The purpose of these electronic consultations is to finalize the terms of reference of HLPE Project Teams that will work in the framework of the mandate given by the Committee on World Food Security (CFS) at its 36th session (October 2010). Instead of making another set of comments, I would like to present potential programs and project concept preparation criteria which can make a genuine difference and will therefore form the core content in terms of a reference to the HLPE projects.

III. Let us review where the bulk of the World Bank Loan was invested in relation to the agricultural sector.

When we look into agricultural resources, the two main natural resources are land and water. If you analyse the World Bank loan provided to developing countries (including even larger economies like India and China), a significant portion is allocated for irrigation projects. The key aim of these projects is to enhance water productivity by improving water availability and productivity through agricultural interventions (including agriculture, horticulture, live stock and fisheries). In addition, similar programs and projects are also funded by local governments and international donors. For diverse reasons, some of these projects are successful and some of them are not.
Having been involved in the above mentioned projects and gaining experience working in developing countries, particularly in the Asian region, one of the main reasons for undesirable results in some of the projects is due the fact that there is a large gap between the amount of technology available and the level of technology practiced. For example in India, the level of agricultural technology varies significantly from state to state. Similarly in Vietnam the level of technology practiced is different in highland and lowland areas. Sustainable technology (both economically and environmentally) is not accessible or available to the ordinary farmer.
Many major factors were indicated by several of our contributors, which include:

land grabbing;
undesirable industrial and real estate development;
wrong policies or lack of appropriate land and water policies;
lack of political support and public awareness; and

many other socio-political factors affecting the sustainable development of food production and affecting food security

However, the most important aspects FAO/HLPE should concentrate on is in providing appropriate technologies by successful demonstration and showing its impacts with the help of a pool of expertise. This is the area in which HLPE can make the most effective contribution and create a significant impact. As indicated in the HLPE introduction, we must enhance productivity from existing resources and at the same time, try to expand food production wherever possible.

IV. The "Principle" which underpins the development of TOR/ Frame Work for HLPE project formation

The scientific/technical principle that underpins the program/project is "Integrated Resource Management" (IRM). The appropriate first step for the implementation of this program is to develop a "strategic plan" with clear goals which would broadly outline the approach and provide a road map that includes the process, monitoring and,evaluation methods, and budget. Various projects can be developed with clear objectives to achieve the goals set in the strategic plan.
With the advancement in technology, particularly environmentally friendly cost-effective biotechnology, the modern Integrated Resource Management (IRM) mainly adopts the use of resources in a complementary process for maximising productivity without any adverse impact on the environment. IRM is an age old successful concept, however, technological advancement is not reaching the target. Some of the traits of this program are intended to make significant improvements in agricultural activities such as agriculture, horticulture, livestock and fisheries. These traits include:

minimum usage of water in agricultural activities;
enhancement of land and water productivity without degradation;
prevention of aquatic pollution due to farming;
efficient water re-use/recycling in agricultural and food processing;
facilitating complementary usage of water;
enhanced water accessibility and availability; and
minimisation of agricultural waste that is transformed into valuable product and waste.

The above mentioned points could form the core of the TOR/ Frame Work for land based project development. In simple terms, the farming practice needs to be changed. The IRM principle is not advocating controversial genetic modification, but is rather promoting a sustainable ecosystem based on farming activities. It also does not encourage exotic species but promotes farming of native species. The IRM aims to create a paradigm shift in farming by changing the monoculture into polyculture ecosystem based models, maintaining diversification.

V. Fisheries Component needs to get its due importance (contribution is restricted to integrated fisheries development including aquaculture)

1. The targets:

A fishery (capture and culture) plays a vital part in the enhancement of nutritious and affordable food production. Often the fisheries component does not receive the necessary importance it deserves. In this consultation, my contribution is restricted to the Integrated Fisheries Program including integrated aquaculture, which is linked to the following water bodies.

1. Irrigation systems including reservoirs and canal systems
2. Rivers and streams
3. Lakes, lagoons and swamps
4. Ponds and tanks(seasonal and perennial)
5. Seasonal flood plain systems.

I would like to point out that the above key water bodies are blood lines to food production. Thousands of poor families live directly dependent on the productivity of these resources and the whole population is indirectly dependent on them. Many of these water bodies are depleted

(shrunk), polluted and productivity is rapidly decreasing. Some of these water bodies have international implications as these pass or spread across more than one country. Populations in most of the developing world are clearly experiencing fast deteriorating economic conditions as a result of unsustainable farming.

Rationale

Over the last two decades, we have seen inappropriate farming practices producing quick money through rapid production resulting in many disasters including aquatic pollution, disease and rapid decline of natural stock. Inappropriate and unplanned farming practices within the water body and surrounding areas have affected several lakes, lagoons and river systems in Asian regions (example: India, China, Bangladesh Vietnam, Cambodia, Philippines etc..) which have become highly polluted and have experienced rapid declines in productivity with thousands of poor families dependent upon these resources being affected.
Another classic example in the fisheries sector, is that agricultural land areas were converted into inappropriate aquaculture (prawn) farms. After the collapse of prawn farming, the land is affected by saline conditions and is therefore unproductive for agriculture. I was involved in one of the projects to convert such unproductive lands including abandoned prawn farms into productive sustainable aquaculture development through integrated polyculture development in Vietnam. Even though it was a small project, it made a significant impact in terms of providing an alternative livelihood to the poor. Similarly, other land based aquaculture activities must be developed by properly integrating them with agricultural activities in an environmentally sustainable manner.
With regards to fish stock management in rivers and reservoirs, management needs to be carried out using modern management tools including community based management. In order to gradually restore the productivity of these water bodies, sustainable farming practices need to be introduced within the water bodies and surrounding areas. My personal experience clearly indicated lack of technical knowledge and/or capacity to adopt to such change in farming practice. HLPE terms reference should include development of sustainable farming practice as one of the key criteria.

VI. Project implementation approach: Based on the funding allocation, key locations must be selected based on strict selection criteria including geography and the project implemented through technology diffusion (demonstration of farming practice) with full participation of the farming community and all related stakeholders. In many cases, adaptive research may be required to maximise the productivity. The success can be easily expanded to neighbouring respective geographic areas.

An option in the implementation process in parallel or in collaboration/linking with World Bank projects.
As referred to in section III, several developing countries have received loans from the World Bank for irrigation projects. The key objective of these projects is sustainable productivity enhancement. In my humble opinion, many of these projects could improve the success rate if proper technical support at an appropriate level is made available. In other words, a significant enhancement in success can be achieved if HLPE expertise could work with the World Bank by developing appropriate project implementation strategies. For example, in India, an average loan for World Bank projects is over US $300 million for each State Government. Several State Governments have taken similar projects that were already implemented, some of them are in the implementing process and others are in the development phase.

VII. Conclusion:

The key criteria to the development of the project: All projects under HLPE must follow clear guidelines to achieve the objective of the strategic plan which is aligned with the CFS vision. The development of a strategic master plan with clear guidelines is vital for every program. For example, Integrated Resource Management (IRM) is a highly relevant topic considering present

and future generations must “produce with less”. In an electronic consultation like this, I have to draw a line here. I am happy to contribute in detail if HLPE wanted me to do so. The above listed points are to be considered while preparing the TOR and Frame Work for project development.

Yours Sincerely

Dr Martin S Kumar

Principal Scientist and Program Leader
Integrated Biosystems: Integrated Resource Management and Biotechnology, SARDI Livestock systems strategic area, SARDI Aquatic Sciences, 2 Hamra avenue, West Beach,
South Australia

39. Manfred Zeller form the University of Hohenheim, Germany

Dear all:

The TOR/questions could be further enhanced by widening somewhat the scope, especially with respect to land tenure/institutional options and to the role of smallholders and their comparative and competitive advantage, especially for not only solving much of the availability/production issue, but also the issue of access and utilization (the latter two points of food security and nutrition are hardly mentioned in the introduction and are not well addressed in th research questions).

1) At present, the focus is on large-scale investments, presumably funded by foreign countries/corporations. The hypothesis is that these could contribute to improved food security and nutrition. The TOR should include that a conceptual framework be developed through which pathways small-scale agriculture versus large-scale agriculture can contribute to improved food security and nutrition.

2) Based on 1), the comparative/competitive advantages of both types of agriculture for different types of crops (perishability, quality standards, need for vertical coordination, processing/transport) need to be elaborated. The comparative/competitive advantage cannot be only judged upon w.r.t. yield/production output/efficiency, but must include social (job creation, livelihoods, gender, poverty) and environmental criteria (biodiversity, use of non-renewable resources such as certain groundwater reservoirs or fossil oil).
3) Based on 1), the social, economic and environmental as well as institutional conditions for promoting either of the two systems (or both at the same time) need to be spelled out. Just as an example. The text acknowledges that a land-poor, labor-rich country such as China has chosen smallholder agriculture for productivity increases with remarkable success in reducing food insecurity and rural poverty. Labor-rich, land-poor countries will have to choose labor-intensive development pathways for agricultural development.

4) Based on 1), 2) and 3), policies and strategies will have to exploit synergies by the co-existence of large-scale holdings and smallholder farming. We know of beneficial co-existence arrangements, e.g. in oil palm nucleus-outgrower schemes, in horticulture (fresh high-value vegetables for export), transfer of technology/capital/know-how from the estate sector to the smallholder sector.

The institutional and political-economy perspective of the review needs to be strengthened.
For example, the currently stated question “How can objectives, economical, social, ecological, best be fulfilled within the technical and biological constraints? What explorative studies are available or should be done to address this issue?” lacks any reference to institutional and political constraints, that need to be addressed.

In a nutshell, without due recognition of smallholder agriculture w.r.t. efficiency, social outcomes (FSN) and also to some extent environmental objectives (e.g. multi-cropping, integrated farming), the current set-up of the study runs the risk of promoting large-scale agriculture for some countries where this is feasible and land abundant, while neglecting that much of the land in our world is farmed by family farms (of a varying small scale dependent on the development stage of the country under consideration). Clearly, there are a number of advantages for large-scale investments in agriculture in land-abundant, less populated countries, which will be able to produce a lot more food, fiber and fuel, and through the food price, but also through job creation can contribute to the reduction of poverty and food insecurity. However, the crux of solving the FSN and poverty problems sustainably is to create productivity and thereby income gains among the billions of (poor/food-insecure) smallholders, including providing them access to high-quality food and to non-food related nutrition inputs (i.e. water, sanitation, health).

A further interesting question is why smallholder agriculture was so successful in some but not all countries over the past 3 decades, and – given these identified institutional constraints- can large-scale (foreign) investments in agriculture really address/circumvent these underlying constraints in the less successful countries? Or- given these constraints- what are the risks of large-scale investments in agriculture for the political economy and the national policy for smallholder agriculture and sustainable rural development? With success I mean of course not only production or productivity gains, but also gains in reduced under- and malnutrition, as well as reduced poverty.

The TOR should also look into synergies between large-scale/small-scale farming sector, and – apart from contract farming- could explore other options such as cooperatives, leasing and financing arrangements, and so on between the two sectors.

With best regards,

Manfred Zeller
Prof. Dr. Manfred Zeller
Chair Rural Development Theory and Policy
Director, Food Security Center (FSC)

40. Kamal Karunagoda from the Socio Economics and Planning Center Department of Agriculture, Sri Lanka

(Comments and additions in red, Ed.)

In particular, do you think the scope is appropriate? Yes

In dualistic agriculture economy where plantations are mainly export oriented and some time products are non-food agricultural products (rubber, timber) or the outputs are not directly contribute to food security of households (it is via wage income) . However, the land constraints for agricultural production could be ease by encouraging the large plantations for prudent utilization of lands to enhance contribution for food production. The privatization of public lands has made the accumulation of such lands in a hands of a few people whole contribution to the household food security is very low or economic linkages with the local economy is very weak.

Have important elements been omitted?

Regulatory aspects and related institutional strengths and weaknesses

In your opinion, what would be the main points to emphasize in the report?

Potential of the large scale plantation to contribute to food supply

Please be as specific as possible
The HLPE intends to take into account the very wide variety of models of agricultural production and marketing, and to address the diversity of social, economic, political and environmental contexts, not restricting the analysis to large scale agricultural investments, but trying to assess what kind of investments are needed to achieve development objectives, giving particular attention to poor farmers, women, indigenous peoples, pastoralists, forest-dwellers, and other marginalized groups etc.

Proposed scope of the HLPE study on land tenure and international investments

1. <u>Framing the drivers of the revived interest in investments in land and agriculture</u>

a - Explorative land use options at various scales: global, continental, regional.

How can objectives, economical, social, ecological, best be fulfilled within the technical and biological constraints? What explorative studies are available or should be done to address this issue?

Investigation and analysis of the dominating aspects of land use on water and natural resources. How do land use and use of external inputs and water interrelate and what perspectives may be envisaged?

b - Role of food security strategies at country and at regional levels

- Explicit policies oriented to accessibility to food
- Role of economic blocks such as European Union, African Union
- Investment policies/principles
- Price volatility of commodities

c - Role of the private sector in land use

- Feed and food producers
- Bio energy producers

- Finance sector
- Speculation in land

Regulations on land use and its Impacts

2. <u>Existing use and trends of land and natural resources</u>

a – Mapping of available and used land
What are the definitions of “idle”, “waste”, “available” or “reserve” land, as well as land that is not in “agricultural use”?

What are the existing mapping tools and what do they map (what definitions of idle, etc. land do they use)? How do they take into account customary tenure systems and collective rights systems that are not titled?

Perspectives for land use and sustainable development as a result of investment in agriculture by countries (foreign) or corporations.

b – Use, misuse and overuse of land, unsustainable development due to wealth or due to poverty

What regional differences in potential self sufficiency?

How important is the part of available lands under claims of collective rights or under customary use?

3. Role and effects of scale (larger scale plantations or small scale farming)

What is meant by "large-scale plantations" and "small-scale farming"? Specifically, where does contract farming and integrating small farmers into global markets fit?

Under each of these models of production, what crops are produced and for what markets? Who among the various actors benefits from the added value generated in field production and the various stages of processing?

What are the trends in investment in large-scale plantations and in small-scale farming? Who are the investors under each model? What are the drivers of investment? What rates of return are expected?

What are the economic, social, gender and environmental impacts of each of these models? e.g. on rights, conflicts and political unrest, employment, migration, biodiversity, nutrition, etc.

4. Mapping of instruments (technical, political, corporate) that influence land use and of their use at different aggregation levels.

inter alia:

- Land policies, regulations, governance, property rights, land lease, use of external inputs
- Instruments related to the Right to Food RAI Principles
- "Minimum human rights principles applicable to large-scale land acquisitions or leases" suggested by the UN Special Rapporteur on the Right to Food
- Draft Voluntary Guidelines on Responsible Governance of Land and Natural Resources
- Final Declaration of the International Conference on Agrarian Reform and Rural Development
- United Nations Declaration on the Rights of Indigenous Peoples
- International standards on the right to housing and prevention of forced evictions
- Tools related to Corporate Social Responsibility
- Taxation tools and policies
- Direct and indirect Subsidies

5. Expected Recommendations

- What policies are possible and which instruments can be applied to align large scale investments with country food security strategies?
- How do they account for scale?
- What are the necessary conditions for making each of these models (small scale and large scale) a success (e.g. policy environment, tax system, direct and indirect subsidies, etc.)?
- What evidence exists to show that win-win scenarios are possible i.e. that both development and profit objectives can be achieved at optimum levels?
- How to break unsustainability trends?
- Recommendations for research and development?
- Institutional development needs for appropriate land use to support food production.

Kamal Karunagoda

41. Kaisa Karttunen from Finland

Not all developing countries have developed national food security strategies and therefore aligning large scale investments with the strategies remains to some extent abstract. Most of the countries, however, have agricultural policies and strategies and they could be considered as reference points for the large scale investments until more comprehensive food security strategies are being developed. Point 1 c needs clarification in the sense that “private” remains unclear: also the smallholder farmers are private farmers, but perhaps here the focus is more on large-scale investors.
The study should also take into account the long-term impact of climate change on land and water resources, which is likely to dramatically change the present production potential in many developing countries. This will have implications on both smallholder agriculture and large-scale investors. Sea level rise may cause large areas to become unsuitable for human activities, which will increase pressure on land in other areas.

Contract farming is in many cases the only way for smallholders to get access to inputs, credits, advisory services and markets. Therefore work is needed to strengthen the smallholder’ negotiating power, e.g. through farmers organizations, and their legal position in relation to the companies.

Kaisa Karttunen

42. Georgina Peard from International Union for Conservation of Nature, Switzerland

Land Tenure and International Ag Investments

Situate this study in a broad historical context. Land concessions have a somewhat long pedigree and we can certainly learn from understanding the impacts of these concessions over the long term. For instance, Liberia and Brazil have been giving out Rubber concessions since the rubber boom early last century. In Liberia, this led to the phenomenon of "growth without development', while in Brazil this led to massive displacement, extinctions even, of indigenous peoples. There are other experiences from other countries and regions, and these need to be explored and detailed. The current tenor of the brief seems to suggest that land concessions are novel developments, they are not.

Linked to the above, national tenure policies tend to be influenced by investment imperatives and these are in turn driven by aid policies and conditionalities. As such countries receiving land investments may actually be constrained to do so by larger political economy factors over which they exercise little control at the national level, leaving communities and others holding 'weak' rights to land (such as communal lands) at the mercy of the big concessions. The study should prioritize understanding not only land rights, but also the global dynamics and linkages that influence the exercise of land rights, and ultimately determine the trajectory of land tenure systems in developing countries. Ultimately, most of the concessioned land is community land, but national policies and legislations universally tend to provide weaker protection for communal lands. In Southern Africa, for instance, one gets the impression that 'communal' lands and 'public lands' are really enclaves that governments maintain in order to retain some capacity to expropriate those lands for whatever uses they may deem necessary in some undefined futures. The interaction of this aspect of policy with the land grabs needs investigation.

If the issue of interest is land tenure, how exactly does this differ from land use? In the proposal land tenure and land use seem to be used synonymously, but this is not always true.

It would be interesting to include an analysis of actual land use outcomes from existing sustainability criteria and/or environmental impact assessments and/or current tenure regimes in place within agriculture/forestry/bioenergy policy or regulatory frameworks. What works and what doesn't for encouraging sustainable land use outcomes and mitigating food security impacts today?

Examples of non-sectoral and more systemic approaches to land use, including landscape, river-basin and other system-wide approaches, would add value to this discussion (IUCN can provide some examples). Let us not forget also that land use cannot be separated from governance, and some examples of the 'how to' develop and implement land use models that respond to economical, social and ecological objectives would be helpful, including the multi-stakeholder dialogue processes, rights based approaches etc. (again IUCN can provide some examples if helpful)

Throughout the scope, 'natural resources' are sometimes included with land, sometimes not. Biodiversity is mentioned in point 3. Defining in a foot note what is meant by natural resources could be useful, noting that it includes biodiversity and ecosystem goods and services. Keeping in mind the role of healthy, functioning ecosystems in the stability and resilience of food systems is important when considering overall land use policy, e.g. watershed functions for both rainfed and irrigated production; maintaining soil fertility and structure; providing grazing and fodder for livestock; as well as direct sources of food and income beyond the farm essential for the rural poor!

I recommend therefore that Section 2 not only talk about agricultural systems and land but take the landscape as a whole (including forests, riverbasins, wetlands) in order to take into account the critical function of ecosystems in supporting agricultural systems. I would note that this point was discussed in depth in The Hague (Down 2 Earth) conference in November 2010 and is included in the Road Map.

Finally – yes, very important to ensure that the situation and role of women is central throughout the study. We are also pleased to see attention being made in the introduction to poor farmers, indigenous peoples, pastoralists, forest dwellers, although it is not clear in the scope itself how their particular issues will be incorporated.

Price Volatility

We hope these comments and suggestions are useful. Please do not hesitate to get back to me if the team thinks that IUCN can be of further assistance.

Kind regards
Georgina Peard

Commission on Environment, Social and Economic Policy (CEESP)
Environment and Development Group
IUCN - International Union for Conservation of Nature
Switzerland

43. Philippe Lavigne Delville from LASDEL, Niger

Bonjour,

Beaucoup a déjà été dit sur la dimension foncière du débat sur la sécurité alimentaire :
- sauf exceptions, les exploitations petites ou moyennes ont une meilleure productivité par hectare que les grandes. Cela a été démontré par les économistes les plus classiques, qui prennent en compte le coût de supervision du travail. Les cas de meilleures performances des

grandes exploitations sont dues : - à des inégalités fortes dans l'environnement économique (et donc à des distorsions majeures dans les prix, l'accès à la commercialisation, au crédit, etc.); à de rares cas où les contraintes de transformation justifient une culture en régie pour programmer la récolte. Différentes études sur le soja au Brésil (Sergio Leite) ont montré qu'il y avait de fortes inégalités dans l'accès au crédit en faveur des grosses exploitations.

- le spectaculaire développement des agricultures des pays industrialisés, couplant intensification par les intrants et mécanisation à haut capital, n'a été possible que dans un contexte de pays industrialisés, subventionnant massivement leur agriculture dans le but de soutenir les revenus des agriculteurs. Une telle trajectoire n'a aucune chance de se passer sans de telles distorsions économiques.

- je trouve assez sidérant d'entendre encore et toujours revenir ce mythe de la modernisation par le capital et les grandes exploitations...

- quand bien même cela pourrait se passer, il faudrait encore s'interroger sur les limites écologiques et sociales de ce modèle. Les limites écologiques sont évidentes, on ne pourra pas développer une agriculture reposant sur le carbone fossile comme cela a été le cas pour les agricultures industrielles, tant pour des questions de coût et de rareté croissante de produits pétroliers (gas-oil des tracteurs, engrais, pesticides, etc.) : leur efficacité énergétique est déplorable; que pour les effets négatifs sur l'environnement; par ailleurs, quel est le modèle social proposé, et quel avenir pour les paysans dès lors que l'industrie, elle-meme de plus en plus capitalistique, est de moins en moins demandeuse de main-d'oeuvre ?

- la réalité de l'investissement et des stratégies des acquéreurs de terre reste très douteuse et peu démontrée. La compétition entre pays pour offrir des terres moins chères que leur voisin n'y pousse pas (cf. un reportage sur RFI sur l'Ethiopie, toute fière de proposer à 0,5 $/ha quand le Soudan les bradait à 1$!!). Le prix de la terre, dérisoire à l'échelle de ces grosses entreprises, n'est pas un facteur limitant et il ne coûte (presque) rien d'acquérir pour voir, sans projet économique réel;

- on sait qu'il est à peu près impossible d'obtenir le respect des engagements en termes d'investissements, de retombées pour les populations;

- plus fondamentalement, on sait bien qu'il ne peut y avoir d'acquisitions massives sur des milliers d'hectares que là où les Etats post-coloniaux continuent à affirmer un monopole foncier au détriment des droits des usagers, payans et éleveurs, peuples de la forêt; ou dans les anciens kolhoses soviétiques (cf; l'Ukraine). Dès lors, comment s'étonner de contrats opaques, négociés au plus haut sommet de l'Etat, et aboutissant à des exclusions massaives (cf. Daewoo à Madagascar) ?

- dès lors que ce type de négociation politique n'est pas considérée comme recevable (pour des questions de démocratie, de transparence, d'équité pour les populations; tout comme d'incitations économiques pour les acquéreurs), le préalable en termes de gouvernance est la formalisation des droits locaux des ruraux et la rupture avec le postulat colonial et post-colonial du monopole foncier de l'Etat, ce qui rend impossible les acquisitions d'un bloc, et obligera les entreprises qui veulent vraiment investir, soit à acheter parcelle par parcelle, soit à privilégier l'agriculture sous contrat. celle-ci n'est pas non plus sans risque du point du vue de l'équilibre des relations entre paysans et firme, mais au moins elle ne dépossède pas les paysans de leur terre.

- - plus fondamentalement, n'oublions pas les risques politiques : s'il est vrai qu'une part de ces investissements a pour but de permettre à certains pays d'assurer leur sécurité alimentaire en dehors du marché, par la production directe dans des pays étrangers, on voit bien le risque que cela fait courir à la souveraineté politique des pays qui acceptent ce genre d'arrangement : si les Etats-Unis faisaient il n'y a pas si longtemps des coups d'Etats en Amérique Latine pour défendre les intérêts économiques de leurs industries fruitières, comment imaginer que des pays

dépendant de leurs milliers d'hectare dans des pays africains pour leur sécurité alimentaire laisseront une autonomie politique à ces pays ?

- les études récentes de la Banque Mondiale montrent que la disponibilité de terres est bien plus faible que prévu, que les millions d'hectare annoncés sont essentiellement :
- des terres occupées par une agriculture familiale;
- des forêts équatoriales, qui jouent un rôle écologique majeur.
Cherchant à quantifier les terres disponibles à échelle macro n'a guère de sens, à partir du moment où cela ne peut que se faire sur des critères pédo-climatiques et que l'occupation réelle des terres, les ayants droits, leurs modes d'exploitation du milieu, ne peuvent être pris en charge à cette échelle, ce qui ne peut qu'aboutir à les marginaliser. Mais de toutes façons, cette question a-t-elle un sens si l'on accepte les constats ci-dessus ?

Cordialement

Philippe Lavigne Delville

44. Umesha de Silva from the Canadian International Development Agency (CIDA). Canada

The scope of the study is well presented and provides sufficient background and base of information to conduct the suggested analysis. We are concerned that the scope of the study is quite broad and that sufficient time and resources may be required to conduct such an analysis. A more defined outcome oriented study that provides tangible recommendations to all levels of stakeholders is suggested. In addition we recommend these additional points to consider:

The role of domestic investors needs to be better examined, in particular a comparison of the transparency and type of investments completed by domestic versus foreign investors.
Discuss the legality of land investments in the context of the legitimacy and transparency of these investments.
Can the impacts on food security of local communities by measured and if so attributed to these investments?

Umesha de Silva
Food Security Policy Analyst
Thematic and Sectoral Policy Directorate
Strategic Policy and Performance Branch
Canadian International Development Agency (CIDA)

45. Bhavani R Vaidyanathan from the M S Swaminathan Research Foundation, India

With regard to land tenure and international investments in agriculture, it is important that the following are taken cognizance of and addressed in the draft terms of reference that has been drawn up -

- Effective Land reform giving land to the landless who are dependent on agriculture
- Security of land tenure
- Regulation to ensure that fertile crop land is retained for agriculture and not diverted for non-agricultural purposes
- Proper land use planning with regard to what crop is to be cultivated and where the investment is needed
- Promotion and incentives for agricultural practices that nurture the soil health and sustainability of production vis-à-vis exploiting the resource.
- Conservation of biodiversity

- Diversified portfolio vis-à-vis mono-crop farming in small land holdings that characterize the majority of farm holdings in developing countries

Bhavani
India

46. Permanent Representation of Switzerland to FAO, IFAD and WFP

Thanks for the consultation.

1. We suggest under 2b ("use and overuse of land….") to include the following question:

-To what extent has the expansion of biofuels production been at the expenses of land that was previously used for food production and what are the future scenarios for the influence of biofuels production on food / feed production ?

Justification: Though this issue is addressed in the text, it has not been included in the list of key questions.

2. We propose under 4 ("Mapping of instruments") to include an explicit reference to :

- Commodity supply chain standards and certification systems (e.g. for biofuels, soy, palmoil, cotton, etc.).

Justification: We believe that this clarification is more explicit and useful than "Tools related to Corporate Social Responsibility".

In addition to that, we have two comments regarding subchapter 1a

"explorative land use options at various scales": What are the land use options that will be considered? Is it mainly large-scale plantations against small-scale farming? We think that it would be worth specifying what it is actually meant! According to us, the sentence under 1a does not really fit under the title "Framing the drivers", but it could be included under point 3.

"How can objectives, economical, social, ecological, best be fulfilled within the technical and biological constraints?" For us, it is not clear, what the objectives actually are. Furthermore, these objectives are likely to be mutually conflicting. We would therefore suggest the following : "Investigate different land-use options, specify their technical and biological constraints and develop scenarios for sustainable agricultural production systems at different scales".

More generally, and to answer the basic questions related to the adequacy of the scope of this study ("In particular, do you think the scope is appropriate? Have important elements been omitted?..."), we would like to stress that the part of the study on "land use and sustainable development" should clearly underline that land degradation (whatever its cause) needs to be prevented through appropriate, informed and long-term measures. Indeed, the costs of recovering already degraded land may prevent future investment in those areas, not to mention the increased vulnerability of these ecosystems to disaster risk and their weaker capacities to adapt to climate change.

Best regards

Jacqueline Birrer
Permanent Representation of Switzerland to FAO, IFAD and WFP
Italy

47. Pierre-Marie Bosc from CIRAD, France

1. L'étude envisagée devrait s'inscrire dans une perspective historique en situant comparativement cette question posée au XXIème par rapport à la manière dont cette question des « investissements » a pu se poser dans d'autres contextes historiques.
Il faudrait ainsi mettre en exergue plusieurs éléments :
- La notion même d'investissement est très ambigüe : ne sert elle pas à « masquer » celle d'appropriation qui pose problème dès lors qu'il pourrait s'agir d'appropriations massives de terres (on reviendra sur la nature des biens ainsi appropriés).
- S'il s'agit de terres appropriées dans une perspective de développement agricole, alors c'est cela qu'il faut dire et donc élaborer des termes de référence qui permettent de répondre à la question
- Si pour mettre en valeur et faire produire des terres, il faut des investissements alors là la question est sensiblement différente mais en combinant ces deux points (i) appropriations foncières et (ii) investissements, on voit bien qu'il faut se poser la question de qui investit et pour quel développement de quelles productions ?
- Ce deuxième point mérite que l'on détaille un peu car de manière claire il pose la question des modèles techniques, sociaux, économiques mis en œuvre dans l'agriculture et ce point peut parfaitement être déconnecté ou non du premier : qui s'approprie des terres (et des ressources portées par ces terres).
- Il faut donc poser la double question des mouvements d'appropriation foncière en reconnaissant avec l'humilité notre manque absolu de connaissance de l'importance de ce phénomène (malgré les évaluations qui circulent) d'une part et des modèles de production de l'autre.

2. Dans le positionnement du sujet, et afin d'en poser les enjeux, il sera est important de faire ressortir les poids relatifs des formes d'organisation des agricultures intégrées par les firmes et complexes agro industriels des économies développées [que ces agricultures soient localisées dans les « Nords » ou dans les « Suds »] qui mobilisent des ressources importantes (financières, politiques, technologiques, énergétiques…) et les agricultures moins intégrées par les firmes qui représentent la plus grande partie des paysans opérant sur des marchés locaux souvent concurrencés [par les agricultures intégrées] et qui ne disposent pas des ressources nécessaires à leur développement.

3. Poser la question des modèles de production devrait imposer d'éviter les partis pris idéologiques vis-à-vis des formes d'organisation de l'agriculture qui sont en présence. Si les formes familiales d'organisation de l'agriculture dominent massivement en termes d'emplois et de production d'autres formes davantage basées sur le recours à une main d'œuvre salariée dans des unités de production de tailles importantes sont également présentes et se trouvent en situations de complémentarité / concurrence avec les formes familiales. Les formes familiales sont à la fois synonymes de capacités d'innovation individuelles et collectives mais aussi dans le cas de nombreux pays elles sont synonymes de situations de relégation sociale et de pauvreté persistante. La question des formes de production ne peut se poser qu'en référence à un cadre de politique publique qui définit la place et le rôle des agricultures au sein des sociétés et qui définit donc notamment les types d'agricultures socialement et politiquement souhaitées et les objectifs qui leur sont assignés.

D'une manière générale dans cette étude, la prudence devrait être de mise dans la mobilisation des catégories larges ou génériques (ie agricultures familiales, Etat, ….).

En effet, il faudrait introduire que les formes d'organisation de l'agriculture (entre « agriculture familiale » et « agriculture d'entreprise » pour faire caricatural) n'induisent pas de manière automatique certains comportements économique, social ou environnemental, qu'ils s'avèrent vertueux ou sources d'externalités négatives. Le poids des contextes dans lesquels opèrent les producteurs joue sur les effets / impacts potentiels de l'agriculture sur les ressources globales.

Ce qui semble important au-delà des formes d'organisation de l'agriculture c'est le couple « type d'agriculture – type de politique publique ». Les agricultures familiales de l'UE (et notamment l'agriculture française) mais aussi des Etats-Unis ne se seraient pas « développées » sans la construction de politiques favorable au développement de certains types d'exploitation. Il en résulte aussi des « externalités » que la société dans son ensemble doit être en mesure de gérer (la réduction de la population active agricole, les dommages environnementaux de l'intensification conventionnelle, les crises sanitaires inhérentes à la concentration de la production….).

Il en va de même avec l'Etat qu'il convient de ne pas parer de toutes vertus a priori, pas plus qu'il ne convient de diaboliser a priori toute forme d'intervention publique. De même l'étude devrait éviter soigneusement le recours incantatoire aux miraculeuses solutions « win- win »…
Des conséquences pour le positionnement de l'étude :

Pour éviter les appréciations générales, il faudrait s'accorder sur le fait que le phénomène actuel n'est pas caractérisé de manière assez précise : l'étude devrait revendiquer à la fois la prudence et le besoin d'une validation des informations (tout en notant le besoin de l'urgence de cette information validée, ce qui renvoie aux méthodes et outils de la veille) ;

En corolaire, les effets économiques, sociaux et environnementaux ne peuvent être précisés et si cela n'est pas correctement fait, on court le double risque de la diabolisation et/ou de l'angélisme

La veille doit aussi permettre de repérer ce qui relève du structurel des mouvements plus conjoncturels

Un calage clair sur les relations avec les questions de sécurité alimentaire semble important.

4. Il pourrait être judicieux de mettre l'accent sur l'importance de replacer les questions agricoles au sein des enceintes politiques (et sociales) nationales et régionales. Les changements dans les secteurs agricoles et les futurs des agricultures relèvent des choix ou « préférences collectives » (Lamy, 2004) des sociétés et des Etats. Actuellement et de manière assez générale dans les pays des « Suds » ces changements sont assez généralement dominés par les dynamiques des entreprises privées et par la mise en œuvre de politiques uniformes (la libéralisation depuis les années 1980). Cela ne signifie par non plus que les Etats ne jouent pas de rôle dans le soutien à ces dynamiques ou dans les stratégies d'appropriation ou de contrôle du foncier / ressources à l'œuvre actuellement. Le débat public sur ces questions est souvent évité et se limite dans le meilleur des cas à la validation d'injonctions internationales en termes d'orientation de politique . Les questions agricoles ne sauraient se limiter aux seuls débats sectoriels ; elles correspondent à des choix de société dont il conviendrait de favoriser l'émergence via le débat d'idées et donc à travers le renforcement de la « gouvernance démocratique » permettant de faire émerger des politiques…cela renvoie aussi aux notions de « politique publiques » considérées comme « un bien public » (Stiglitz) et qui suppose donc des moyens pour que le débat ait lieu

5. La question des investissements doit donc être posée en référence à un cadre national de politiques publiques lui-même inséré dans un système d'échanges internationaux dans lequel interviennent des firmes et de manière croissante actuellement des acteurs du monde de la finance pour lesquels l'agriculture devient un secteur source potentielle de profit. Le poids et le rôle des firmes jusque dans leur implication dans le domaine de la production directe doit faire partie de cette étude.

6. Selon les modèles de développement retenus, il sera important de se poser la question des types d'investissement à réaliser. Ces investissements peuvent être de nature agricole et concerner des producteurs familiaux ; il y a lieu dans ce cas de raisonner en termes de développement des capacités tant au niveau individuel que collectivement. Les choix techniques et économiques au niveau des unités de production dépendent bien souvent de capacités

collectives en amont de la stricte production, de capacités de négociation des responsables d'organisations paysannes avec les pouvoirs publics ou les agences internationales…mais aussi de la production de biens publics non agricoles comme les infrastructures de transport et de communication, l'éducation et la santé publique, la formation des producteurs et des responsables de collectivités territoriales…

7. Un positionnement plus global sur les formes d'appropriation et de gestion des ressources (naturelles, renouvelables et on renouvelables) semblerait justifié en faisant le lien avec des questions d'action collective et de gouvernance plus globales (ie les questions de gouvernance des ressources minières ou de l'eau par exemple). C'est en fait la question de l'appropriation privative des ressources (quelles qu'elles soient) qui est en jeu au niveau global. L'appropriation des terres pour des finalités agricoles n'est qu'une composante de ce vaste mouvement de privatisation des ressources à l'échelle de la planète. En ce sens, il est important d'introduire de la nuance et s'appuyer sur ces références pour faire valoir que la forme privative n'est qu'une des modalités, qu'elle ne conduit forcément pas à un optimum socialement et économiquement source de bien être collectif (Ostrom). En outre, puisque les ressources foncières (incluant les ressources naturelles) sont le support des activités agricoles, le mouvement dont les médias rendent compte depuis quelques mois, touche directement à des enjeux globaux comme celui de la sécurité alimentaire, la réduction de la pauvreté, l'emploi rural…

8. Il serait important que cette étude prenne en compte ou comporte même un volet spécifique sur les points de vue des organisations paysannes de type fédératives (nationales ou sous régionales) sur ce sujet qui pourtant les concerne et dont le point de vue est assez peu visible dans le débat.

9. Les propositions qu'il semblerait possible de faire figurer dans les termes de référence :
Envisager la faisabilité de dispositifs de suivi et d'évaluation des mouvements en cours sur les formes d'appropriation foncière et dont la gouvernance devrait associer des publics hybrides (organisations paysannes et de la société civile, administrations et responsables politiques, chercheurs et universitaires) au niveau national régional et international ; Proposer que les fédérations d'organisations paysannes au niveau régional et sous continental bénéficient d'appuis dédiés leur permettant de produire leurs propres analyses sur les dynamiques en cours et soient en mesure d'en apprécier les risques et les opportunités Proposer que le HLPE puisse favoriser l'émergence d'un dispositif de veille permettant de produire une information validée sur les processus en cours.

Pierre-Marie Bosc

48. Asako Hattori from OHCHR, Switzerland

Please see below OHCHR's submission to the High Level Panel of Experts on Food Security and Nutrition (HLPE) of the Committee on World Food Security (CFS), with regard to HLPE's study on Land Tenure and International Investments in Agriculture.

OHCHR has convened a consultation on land and human rights in 2010. This consultation aimed 1) to analyze the existing international normative framework and linkages between land and human rights and 2) to map out the work of the OHCHR, especially field offices, on the land-related issues, and identify existing gaps in policies, guidance, analysis, and other tools for OHCHR's future work on the relation between land and human rights.

One of the outcome products of the consultation will be a basic reference tool which maps out key international and regional human rights, humanitarian and refugee laws and standards applicable to land issues. Once completed, OHCHR will be happy to share the product with the HLPE/CFS. In the course of developing the study (including prior to the completion of our

products), OHCHR will also be happy to provide relevant technical advice to the HLPE upon request.

Among the UN human rights programmes OHCHR supports, two Special Rapporteurs mandated by the Human Rights Council have been working intensively on land issues.

The mandate of the Special Rapporteur on the right to food has been working intensively on the issue of land and the right to food. His key reports on relevant issues include:
- "Agroecology and the right to food" to be presented at the 16th session of the Human Rights Council [A/HRC/16/49],
- “Access to Land and the Right to Food”, presented at the 65th General Assembly of the United Nations [A/65/281] and
- 'Large-scale land acquisitions and leases: a set of minimum principles and measures to address the human rights challenge' presented to the Human Rights Council [A/HRC/13/33/Add.2].
Current mandate holder for the Special Rapporteur on the right to food (Mr. Olivier De Schutter) is a member of the CFS Advisory Group. Previous mandate holder (Mr. Jean Ziegler) also addressed land issues.

The mandate of the Special Rapporteur on adequate housing has also worked rigorously on issues such as prevention of forced eviction and security of land tenure. The mandate developed the "

Basic principles and guidelines on development-based eviction and displacement" [A/HRC/4/18] (http://www.ohchr.org/EN/Issues/Housing/Pages/ForcedEvictions.aspx)

Other mandate holders of the Human Rights Council special procedures as well as UN human rights treaty monitoring bodies have also developed several key standards on land issues, including rights of indigenous peoples, minorities and IDPs/refugees/returnees. These work will be mapped out in the above mentioned product OHCHR is currently developing.

All the best,

Asako Hattori
Human Rights Officer
Human Rights, Economic and Social Issues Section (HRESIS)
Research and Right to Development - OHCHR
Geneva

49. Permanent Representation of France to FAO, WFP and IFAD

Commentaires de la France sur la proposition de Termes de références du HLPE sur le Foncier

Remarques générales :
Les termes de référence apparaissent très larges. Les recommandations attendues (mandat donné au HLPE par le CSA) devraient servir plus clairement de fil à la problématique. En particulier, les termes de référence ne devraient pas doublonner le travail en parallèle du HLPE sur la volatilité des prix.
Le lien avec les travaux et initiatives existantes devrait davantage ressortir, afin d'articuler les travaux du HLPE avec ces initiatives et de permettre une plus-value claire. Par exemple :
- sur la cartographie, quel positionnement par rapport aux différentes initiatives existantes ?
(Zachs, A Global, Spatially Explicit, OpenSource Data Base for Analysis of Agriculture, Forestry, and the Environment: Proposal and Institutional Considerations12, geoss, travaux de la FAO et du Iiasa) ;

- lien avec les travaux en cours sur les lignes directrices volontaires sur la gouvernance responsable de la tenure des terres et des autres ressources naturelles
- lien avec les travaux sur les Principes pour des Investissements Responsables agricoles (RAI). Des éléments de méthode et de calendrier pourraient être ajoutés au papier : de quelle manière vont être menés les travaux ? Appel à manifestation d'intérêt ? Organisation d'ateliers ? Revue bibliographique de l'état de l'art ?

Introduction :
Dans la partie introductive, au troisième paragraphe, il est dit que «les besoins en alimentation humaine et animale des pays où les terres arables sont rares...pourraient nécessiter des investissements... » : il conviendrait d'utiliser une formulation plus neutre : « pourraient entraîner des investissements...»

Le Plan proposé :
Les recommandations attendues (mandat donné au HLPE par le CSA) devraient servir plus clairement de fil au plan : sous quelles conditions les investissements peuvent contribuer au développement durable et équitable (pour qui et à quelle échelle..) et quels sont les leviers pour favoriser ce type d'approche ?

1. Cadrage des causes du regain d'intérêt pour les investissements fonciers et agricoles
Commentaire général : Cette partie ne doit pas traiter uniquement des causes, mais aussi de l'impact de ces investissements pour les Etats, les producteurs des pays hôtes … et de propositions en termes de gouvernance, politiques et recherche.
Le titre de cette partie pourrait être modifié ainsi pour refléter cette préoccupation : « intérêt pour les investissements fonciers et agricoles «

a - Exploration des options d'utilisation des terres à diverses échelles : mondiale, continentale, régionale. => Cette partie renvoie plutôt au point 2 et notamment point 2.b. Elle semble se concentrer sur les systèmes techniques capables ou pas de contribuer positivement au développement durable : il convient alors d'aborder les systèmes techniques en étudiant leur grande variété d'impact et d'intérêt selon la variété des écosystèmes (attention à éviter des solutions « clé en main »); Il conviendrait également de prendre en compte au delà des contraintes techniques et biologiques, les contraintes sociales et économiques

b - rôle des stratégies de sécurité alimentaire => Ne devrait pas être traités ici, la portée des questions est beaucoup trop générale sans lien apparent avec les questions d'investissement foncier.

c- rôle du secteur privé dans les usages des terres : quel secteur privé ? On ne voit pas bien quelles sont les problématiques que le rapport se propose d'explorer. (réfléchir à la pérennité des regains d'intéret : tendances lourde, émergentes, facteurs poussant et limitant ces investissements ?). Le secteur privé n'est pas le seul à investir. Il faut aussi traiter des investissements publics. Dans le cas des investissements publics et privés il faut avoir en tête qu'il existe des investissements étrangers mais aussi nationaux.

2. Usage actuels et tendances des ressources foncières et naturelles

Commentaire général : les apports des bases de données globales ont tout leur intérêt mais également des limites pour (éventuellement) cartographier des « terres à investissement » : les recoupements actuels permettent déjà de montrer que les terres considérées comme « disponibles » sont la plupart du temps utilisées d'une façon ou d'une autre. La question du « recoupage » entre l'analyse globale et le niveau local, non abordée dans le plan proposée, est centrale : comment appuyer les états à tirer des conclusions des analyses cartographiques et faire des cartographies « locales », prenant en compte le respect des usages ? Au delà de la cartographie, il y a une vraie question de gouvernance et de représentation des droits à articuler dans le rapport.

a - Cartographie des terres disponibles et utilisées
Des questions posées, il ressort qu'il y a sans doute une méconnaissance des problématiques => Il n'y a pas aujourd'hui de cartographie existante des terres « disponibles » et « utilisées », seulement des terres « cultivables », « cultivées », « sous foret », « sous infrastructure », « sous réserve naturelles » ... sans recoupement avec d'autres usages de type pâturage, collecte de bois, droits fonciers...(ce qui est un des problème pour l'analyse) ;
Il serait utile de travailler la notion de « marginale » qui devient parfois si large qu'elle englobe une majorité de terres cultivées et d'inclure la notion d'analyse de sensibilité. La notion de méthode est également à traiter (complémentarité des approches bottom up et top down)

b - Usage et usage abusif des terres, développement non durable en raison de la richesse ou de la pauvreté => La problématique et les objectifs de cette partie ne nous semble pas clairs et devraient être explicités. S'agit-il d'étudier les contraintes sociales et économiques de l'usage des terres ?

3. Rôle et effets de l'échelle (plantations à grande échelle ou agriculture à petite échelle)
Ces éléments sont adéquats.

4. Recensement des instruments (techniques, politiques, entreprises) qui influent sur l'usage des terres et leur usage à différents niveaux d'agrégation
Au delà du recensement, comment est il prévu d'étudier les impacts et influence de ces instruments, pour certains non encore opérationnels ? Il conviendrait pour chacun de poser la question de leur efficience, ainsi que celle de leur cohérence et leur complémentarité.

5. Recommandations attendues
Les questions posées ne nous semblent pas appropriées, elles laissent penser qu'un certain nombre de réponses / de grille d'analyse ou de lecture sont présupposées.
Les formulations de cette partie devraient être beaucoup plus générales, du type :
· Recommandations en matière de gouvernance
· Recommandations en matière de politiques (nationales, aide au développement)
· Recommandations pour la recherche et le développement

50. Wenbin Wu from the Chinese Academy of Agricultural Sciences, China

Dear colleagues and forum members,

The proposed scope of the CFS HLPE study on land tenure and international investments is well presented and provides a sufficient background and base of information to conduct the suggested analysis. As the scope of the study is quite broad and the final report needs to be finished before this October, we think it is necessary to refine the TOR so as to provide tangible recommendations to all levels of stakeholders. The following are some comments:

Section 1--Framing the drivers of the revived interest in investments in land and agriculture
As far as I understand, the aim of this section is to understand the major drivers behind the international investments made by different foreign investors including governments, state-owned companies and private sectors. If so, I think the current TOR in this section needs to be revised to be clearer and more specific.
In general, there are four major types of driving forces which influences international investments in Agriculture can be identified: socio-economic, political, natural, and cultural drivers. The socio-economic drivers are primarily rooted in the economy. Today, the market economy, globalisation, and the effects of WTO Agreements are especially strong drivers. Political driver such as past colonial linkage also influences much the investments of one country to another. Since socio-economic needs are expressed in political programs, laws and policy, the socio-economic and political drivers are strongly interlinked. For the natural drivers we distinguish between site

factors, such as climate, topography, and soil characteristics, and natural disturbances. Natural disturbances can be slow- or fast-acting and site factors are short-range stable but long-term variable. Today, the major slow-acting natural disturbance is global change. Fast-acting natural disturbances, such as avalanches, mudslides, and hurricanes, can profoundly affect agriculture. Culture also leaves an imprint on agricultural investments. For example, the country uses the rice as major eating foods may prefer to invest more in rice production regions to plant paddy rice for its food import.

Moreover, when considering the drivers, it should be taken into account the issue of scale, ranging from local scale to global scale. Local-scale drivers are specific to each local geographical area and different types of agricultural production system. Country-scale drivers affect all agricultural investments within a country, although factors such as poor infrastructure and market access may lead to spatially differentiated impacts. Global-scale drivers affect all investments in agriculture around the world, but to varying degrees. These include trade expansion, biofuel development, value chain integration and climate change.
The current framework needs to be arranged to include the different types of drivers, the different scales of drivers, as well as the different agents of drivers. This may improve the final report and make it clearer.

Section 2--Existing use and trends of land and natural resources
Mapping the available land could provide a good basis for international investors to expand agriculture. In addition to this, this section should also include the assessment of used land by using foreign investments, which can help to understand if the investments are ecologically and economically beneficial so as to ensure both the short-term and long-term food security. This assessment is necessary for the government in policy-making in land management.

Section 3--Role and effects of scale (larger scale plantations or small scale farming)
I think this section could also include the analysis of changing trends in cropping structures induced by foreign investments in large-scale plantations or in small-scale farming. Actually, food security is related not only to the total amount of food production, but also to the access to and stability of individual food crops. Since there is only a finite amount of the Earth's surface available for agricultural land use. The expansion of one crop type may cause decrease of another crop types. These changes in cropping structure could break down the balance of demand-supply in the market, which could make the price volatility and worsen the food insecurity.

Others:
International investments in agriculture can have both positive and negative impacts on food security. The problem is how to use the investments. For instance, a number of people went undernourished in African countries not because there is enough food, but because people are too poor to buy it. The crucial issue for their food security is not whether food is "available", but whether the monetary and non-monetary resources at the disposal of the population are sufficient to allow them access to adequate quantities of food. Thus, to achieve the goal of food security, the investments should be focused on reducing the poverty and improving the farmers' income.

For other regions, on the one hand, cultivation intensification will be the dominant means for increasing production in the future as there is little new suitable land that can be brought into cultivation for many regions of the world. Increasing the number of crops sown on a particular area of land or by increasing the yield per unit area of individual crops by continued technological developments, or both, is expected to be the main way to increase food production to meet the demands of food security. On the other hand, development of effective adaptation to changing environments is an increasingly urgent agenda for most countries. In particular, adaptation and mitigation measures should be taken soon to combat the adverse effect of climate change on crop production. These can involve management-level adaptation options such as investing in agricultural inputs such as fertilizer rates, irrigation and improved varieties/species, altering the timing of cropping activities, improving the effectiveness of pest and weed control, and water and

soil management practices. However, adaptations at this level can be influenced strongly by government policy decisions to establish or strengthen conditions favourable for effective adaptation activities through fostering freer trade and promoting investments in new technologies and infrastructure, building adaptation capacity of user community and institutions, and in general modifying the decision-making environment under which management-level adaptation activities typically occur. All these can help to increase steady local and international production, improve fast access to food supplies, and provide secure and stable food supplies.

Wenbin Wu

51. Jose-Maria Garcia-Alvarez-Coque from the Universitat Politecnica de Valencia, Spain

Thanks for the chance of contributing to this forum

I find the document quite comprehensive and necessary.

One general comment to include in some way is that all large-scale and small-holder can play a role in providing sustainable development and food security. So policies need to be inclusive. In particular, the climate change mitigation and the preservation of natural resources are roles for all kinds of farming. However, the food security strategies have to take into account the role played by small farming and the need for improving their rural people livelihood.

Specific comments on sections

Section 1c, on the role of the private sector. Note the need to improve extension services and base any land policy on the promotion of knowledge and entrepreneurship.

Section 2b. Note the need to emphasize the role of agricultural good practices on the preservation of the natural resource base and the land in good conditions for keeping its production capacity.

Section 5. Some countries are discussing on the definition of "active farmers" to better target their policies. This could be considered in some way in the proposal of recommendations.

Best regards

Jose-Maria Garcia-Alvarez-Coque
Professor of Agricultural Economics
UPV Valencia

52. Helena Paul from EcoNexus, United Kingdom

(Comments in italics, Ed)

***Land rights** are fundamental, collective as well as individual, secure use rights also. **Inalienable collective rights** are particularly powerful as they prevent land sales.*

How do they take into account customary tenure systems and collective rights systems that are not titled?
This needs a political solution, not merely mapping!

Often local people who do not have titles, but who use collective rights systems, understand, and have methods through those systems of managing fragile lands far better than outsiders.

How important is the part of available lands under claims of collective rights or under customary use?
We should examine extractive reserves and pastoralist land-use to remind ourselves of the importance of collective rights and customary use for protecting vulnerable resources such as forests and pastures. On a map of Brazil, I remember being shown that the extractive reserves were helping to preserve forests that were being cleared outside them. (Smeraldi, FoE Brazil)

A great deal of land has been taken from such users in recent years and should be returned to local communities, before they are totally alienated from it. Further alienation should be avoided.

We need baseline studies and mapping is essential, but we need agrarian reform as well.

1. Framing the drivers of the revived interest in investments in land and agriculture

What explorative studies are available or should be done to address this issue?

Studies on local land use *in conjunction with local food providers, including discussions with elders about practices that might have been common and effective in the past.*

How does speculative investment in land, *the promotion of biofuels, the search for "food security" by countries that cannot produce enough at home affect local people? A good deal of research has been done, eg: by FIAN. Identify gaps, set up more research.*

b - Role of food security strategies at country and at regional levels

Define food security properly: it is not having enough money to buy food: it is having access to land and water to provide food for local communities and only export food from any area once local populations have enough for their needs.

We should look at the impact on global food supplies of ***wasting mountains of food in developed countries*** *and address this.*

Speculation in food commodities needs to be controlled; so also does policy promotion by bodies like the World Bank, which has in the past led to gluts of commodities and price crashes.

c - Role of the private sector in land use
Feed and food producers
Bio energy producers
Finance sector
Speculation in land

We need to pay more attention to feed production *(one third of arable land and growing) – many synergies with biofuel production – both mainly for export. Both are strongly linked to the finance sector and speculation in land.*

Speculation in land and in agriculture generally as well as in food *plainly need to be examined and controlled. Since the property crash, there is great interest in making such (speculative) investments. Investors will obviously seek the planting of whatever yields the* ***best short-term returns****, whether it is for food, feed, fuel, or biomass for biofuel and the new bioeconomy. On previous evidence, this will not improve long term livelihood and food security for local people.*

With 0.5 billion ha of land already used for feed production, and 1.1 billion ha identified for possible biofuel production, land identification, leasing, purchase and speculation could clearly be massive, even if, as we suspect, the biofuel push turns out to be something of a bubble, a great

deal of damage would already have been done. Multiplke reports (ActionAid, Oxfam, Econexus et al: Agrofuels: a reality check in nine key areas: http://www.econexus.info/publication/agrofuels

***We also need to protect small livestock producers** and investigate the impact of industrial livestock production on small livestock keepers*

2. Existing use and trends of land and natural resources
a – Mapping of available and used land
What are the definitions of “idle”, “waste”, “available” or “reserve” land, as well as land that is not in “agricultural use”?
What are the existing mapping tools and what do they map (what definitions of idle, etc. land do they use)? How do they take into account customary tenure systems and collective rights systems that are not titled?

***So-called idle, degraded, abandoned, marginal, waste, under-used land** may well be in collective and/or rotational use by local communities. Outsiders may not recognize their patterns of land use as use at all and hence identify such land as any of the above. Definitions should be developed with local communities, together with policies to protect such resources from exploitation. See http://www.econexus.info/publication/no-idle-threat-marginalised and http://www.econexus.info/publication/agrofuels-and-myth-marginal-lands*

*There is a UNEP report on Sudan that notes that fragile lands should not be given over to industrial agriculture and makes policy recommendations. **Sudan: Post-Conflict Environmental Assessment, UNEP**, June 2007. Pages 168, 189, 191 for instance.*
 Perspectives for land use and sustainable development as a result of investment in agriculture by countries (foreign) or corporations.

b – Use and overuse of land, unsustainable development due to wealth or due to poverty
What regional differences in potential self sufficiency?
How important is the part of available lands under claims of collective rights or under customary use?

3. Role and effects of scale (larger scale plantations or small scale farming)

***There is a question missing here:** what impacts do the larger scale plantations have on small scale farming? Such impacts include: taking over the best land on lease or purchase, using local water supplies, undercutting prices, and polluting with chemicals etc. The effects on people are clear: conflict, violence, loss of access to land, migration, biodiversity destruction and often collapse of soil and human nutrition, biodiversity.*

***Integrating or aggregating small farmers into large units**, once again threatens them with domination by external interests (those who aggregate them or certify them etc)*

The small farmers should be at the centre of the initiative, not merely the objects of it.

Rates of return:** one investment firm promises risk-adjusted returns of +25% per annum from combined production yields using modern farming techniques and technologies and land price appreciation. It also speaks of aggregating farms to increase efficiency and generate economies of scale. **How much of this would benefit producers? We suspect very little.

If we could have genuine food provider/ farmer-centred policies, impacts on rights, conflict, employment, migration, biodiversity, nutrition, etc. could be positive.

*It should be noted that countries in conflict such as Sudan and DRC have been major objects of **land acquisition for export crops** including biofuels. Please see **Agriculture and Climate Change - Real Problems, False Solutions (FINAL REPORT) by** EcoNexus, Biofuelwatch,*

Grupo de Reflexion Rural, NOAH - Friends of the Earth Denmark, and The Development Fund Norway http://www.econexus.info/publication/agriculture-and-climate-change-real-problems-false-solutions, page 34-36, but other parts of the report as well. Discusses aspects of all the above questions.

4. Mapping of instruments (technical, political, corporate) that influence land use and of their use at different aggregation levels.

inter alia:

Direct and indirect Subsidies :

***Targets and subsidies for biofuels** have driven the whole enterprise up to now, yet there are increasing doubts about whether biofuels really are renewable and their impact on land use is clear.*

***Corporate social responsibility** – we have some skepticism about the value of this. The other instruments mentioned are important: the problem lies in implementing their provisions.*

5. Expected Recommendations

What policies are possible and which instruments can be applied to align large scale investments with country food security strategies?

First define food security! then help countries to do proper land-use surveys and recognize use rights, land rights etc. Then decide rules for investments.

What are the necessary conditions for making each of these models (small scale and large scale) a success (e.g. policy environment, tax system, direct and indirect subsidies, etc.)?

***Proposing success for large and smallscale models**: this seems to assume they can co-exist, but there is no discussion about how, nor about how to prevent the large-scale from destroying the small-scale..*

What evidence exists to show that win-win scenarios are possible i.e. that both development and profit objectives can be achieved at optimum levels?

We have to recognize that development and profitability need to be delinked to a certain extent. We should seek to control markets that aim to create massive profits from land development for speculative interests far from local realities. The beneficiaries should be local people. We must not repeat the pattern where local food providers are reduced to penury by large corporate interests (eg: UK dairy farmers driven out of business by supermarkets cutting farmgate prices).
How to break unsustainability trends?

Recommendations for research and development?

- *Develop a truly bottom-up process of discussion with smallscale food providers about how to improve their situation sustainably and over the long term*
- *Research on how what policies are needed to encourage local food security at household level in a selection of areas*
- *Examine trade rules to find their impacts on local community food security: What is the impact of WTO rules on food security and sovereignty?*
- *Examine investment patterns and develop methods to control them*
- *Encourage the recognition of land rights and agrarian reform to boost rural networks and prevent the flight to the cities*

- ***Work to raise the status of food provision**, which increasing urbanization and ignorance have greatly reduced; try to encourage younger people to engage in food provision by addressing the barriers of stigma attached to farming*
- ***Work with small farmer groups according to their priorities, at their pace**; see what research they need and provide it.*
- *Increase publicly funded research and extension services according to the priorities of farmers*
- *Identify the barriers farmers face to providing food for local markets and seek policy change to overcome them*
- ***Examine extractive reserves and pastoralist land-use to remind ourselves of the importance of (inalienable) collective rights and customary use rights in providing livelihoods, food and protection of the environment***
- ***Examine impact of land leasing:** does this simply facilitate the destruction of soil, water, biodiversity and livelihoods, if those who lease do not have to restore? What are the provisions of such contracts? Are they in the public domain? What are the human rights, environmental etc impacts of such leases?*
- ***Raise the profile of farmer breeding, selection and exchange of varieties, community seed banks, etc** and develop policies to encourage such work*

53. Pierre-Marie Bosc from CIRAD, France

Il faudrait proposer que soit pris en compte les investissements au niveau des exploitations familiales, en les mettant en "comparaison" avec les investissements privés des grandes sociétés. Il n'y a pas que les grands investissements privés internationaux. Les Exploitations agricoles familiales réalisent, le plus souvent par leur travail à défaut de capital, des investissements importants dans le foncier en aménageant les rizières par exemple et en utilisant les techniques de Conservation des eaux et du sol, en réalisant
des terrasses ou encore via la création de plantations, etc.
Ces aménagements sont souvent "sous estimés" en particulier dans les pays ou les marchés fonciers ne sont pas efficaces.
Ce qui caractérise le plus les petites exploitations c'est l'absence de capital pour investir, y compris en travail .. . soit parce que les EAF doivent faire face à l'urgence , soit aussi parce que les conditions institutionnelles et économiques ne sont pas réunies (statu foncier, risque très élevés, absence de débouchés, prix trop fluctuants, absence
d'assurances, etc.).

54. Shakeel Khan from Pakistan

Sir,

a) The input on land tenure and international investments in agriculture is summarized:

The investment or use of a foreign country like a business transaction would seem inappropriate. It will be better if a different approach may be adopted. In my opinion the investor should also look on the possible impact on the food security of local communities and may create some space which can ensure their engagement in the food production process. An other possibility will be that the investor may agree to provide a share of production for local vulnerable segment of the society. It is also required to create a slandered operating procedure for land tenure and investors in consultation of various stakeholders.

Regards

Dr. Shakeel Khan

55. Sylvia F. Mallari from the KMP, the Philippines

Greetings to the Members of the Steering Committee of th HLPE

On behalf of the Peasant Movement of the Philippines. we would like to extend to you our appreciation in this undertaking.

To be brief: We would like to reiterate what has been stated in one of the IPC draft documents with regards the FAOs proposed Guidelines on Land Tenure.. "At the heart of the matter lie the power relations...that prevail in a society and the international community. In developing countries, there is nothing more inextricably linked to power than land." Our context (in the Phil and perhaps for a significant part of Asia) is that of th persistence of underdevelopment. Therefore, we strongly suggest that Genuine Agrarian Reform be tackled prominently-- that of the necessity of land redistribution to empower the vast majority of the peasantry, to gain that dignity to contribute to the comprehensive development of society, o be able to do its share in the overall protection and nurturing of the world's natural wealth. Of course, state support and subsidies should be ensured and mechanisms instituted to prevent unjust land acquisitions by big agro-business corporations in its drive for agricultural investments that benefit only a few and worsens land disenfranchisement.

Provisions should be expounded with regards agricultural investments. especially that aimed at agro-fuel production that is contributing to climate crisis and food insecurity of many nations. They should not be encouraged in the least and prevented at the most.

Thank you,
Sylvia F. Mallari
for the KMP

56. Jayachandran Kunjuraman Vijayamma from the Kerala University of Fisheries and Ocean Studies, India

Dear Moderator,

The statements cover almost all aspects. I may add that in many countries reclamation of wet land for non agricultural purpose is going on alarmingly. Such bad trends are to be stopped. This is equally important as it reduces food production

Prof. Jayachandran

57. Kerstin Wydra from the Centre for Tropical and Subtropical Agriculture and Forestry, University of Göttingen, Germany

General Comment:

To my opinion, the formulation of voluntary regulations on land tenure and international investment is not the adequate measure to reduce the negative impact of land tenure and international investment in many countries in the present situation. Instead, precaution has to be taken that such voluntary regulations without legal consequences on national and international level will facilitate investment in unsustainable use of land and will contribute to veil the ongoing practices of land tenure with all its social, economic and ecological consequences on local, regional and global level.

Thus, the suggestion of voluntary regulations does not leave the option to recommend a general restriction of land tenure and land use as an investment where necessary (see below) and to

follow an alternative way of sustainable rural development on a regional and global level. The option to restrict foreign investment in land and instead invest in rural development which has been identified by IFPRI as resulting in the highest returns in Africa seems not to be part of the study.

A moratorium is needed restricting land tenure and 'foreign' investment, and international laws should be implemented in order to return land to their owners or customary users where requested, and to secure future food supply in these countries, many of which themselves are prone to food insecurity. There should be no production of food and biofuel plants for export in countries with hunger and undernourished people, but farmers should be supported to sustainably increase their production for subsistence and markets, through establishment of infrastructure and rural development programmes.

Therefore, governments' and international investments are needed to support local agricultural production. According to reports from IFPRI and also IAASTD, investment in rural development yields the highest returns for the economic progress of a country in the developing world, specifically Africa.

Thus, governments international bodies and organizations should implement national and international laws which illegalize use of agricultural land as an investment target – even under consideration of certain ecological and social framework conditions to be fulfilled, which might instead ease the way for the deals -, but this land should serve as basis for sustainable production for local and regional food security and for rural development.

Further remarks in the following text, marked in 'black'.

Best regards
Prof. Dr. Kerstin Wydra

Proposed scope of the HLPE study on land tenure and international investments

1. Framing the drivers of the revived interest in investments in land and agriculture

a - Explorative land use options at various scales: global, continental, regional.

How can objectives, economical, social, ecological, best be fulfilled within the technical and biological constraints? What explorative studies are available or should be done to address this issue?

Investigation and analysis of the dominating aspects of land use on water and natural resources. How do land use and use of external inputs and water interrelate and what perspectives may be envisaged?

Which data and information exist on

- *extent, nature and consequences of land agreements*
- *land already used by domestic investors/elites, foreign investors and governments*
- *purpose of investment*
- *government incentives for investments*
- *laws, regulations, legal framework for (foreign) investment in land*
- *commodity produced and its use (subsistence crop, biofuel plant, cash crop; domestic use or export)*
- *causal synergies and interactions between drivers of land cover change*

Are ecological effects of land use options explored, nature/resource conservation issues defined and considered at different scales

- *hydrogeological issues, regional extension of aquifers and their use and exploitation, long term **water** availability, water management,*
- *sustainability of cropping systems, including nutrient cycles – soil exploitation,*
- *ecosystem services that sustain livelihood,*
- *land ownership,*
- *sociological aspects.*
-

b - Role of food security strategies at country and at regional levels

Explicit policies oriented to accessibility to food

Role of economic blocks such as European Union, African Union

Investment policies/principles

Price volatility of commodities

Are rural development programmes implemented in the country? Information and answers should also come from farmers' organizations and NGOs.

c - Role of the private sector in land use

Feed and food producers

Bio energy producers

Finance sector

Speculation in land

Land use: Who invests, which interests are driving the investments, who gives concessions, are local people and/or NGOs involved, are local/ regional needs considered? (see also under 4.)

Which role play domestic investors, local elites?

2. Existing use and trends of land and natural resources

a – Mapping of available and used land

What are the definitions of "idle", "waste", "available" or "reserve" land, as well as land that is not in "agricultural use"?

What are the existing mapping tools and what do they map (what definitions of idle, etc. land do they use)? How do they take into account customary tenure systems and collective rights systems that are not titled?

Perspectives for land use and sustainable development as a result of investment in agriculture by countries (foreign) or corporations.

'Unused, unproductive or underutilized' land may consist of areas which are in sustainable use by pastoralists and in customary use for fire wood or traditional purpose in collection of medicinal or aromatic plants, which may play an important role in the livelihood of the poor, but are underestimated in official assessments.

Seemingly 'unproductive' land may represent a traditional sustainable way of land use including fallow or being used by shifting cultivation to preserve soil fertility or sustain water resources. Very little land is not owned, or unused.

Are farmers' organizations involved in defining land use and identifying the land use in an area?

Is land covered by primary vegetation (e.g. tropical rainforest) or located in protected areas?

b – Use and overuse of land, unsustainable development due to wealth or due to poverty

What regional differences in potential self sufficiency?

How important is the part of available lands under claims of collective rights or under customary use?

Who will evaluate the impact of investments and new land use on

- *soil exploitation, erosion,*
- *forest cover and ecosystem services….*
- *water use and overuse, and its local and regional consequences?*

Farmers' organizations and NGOs (e.g. GRAIN, Copagen) should be involved.

Is the suggested use of the land sustainable in terms of soil fertility and water management, and not exploiting these natural resources?

3. Role and effects of scale (larger scale plantations or small scale farming)

What is meant by "large-scale plantations" and "small-scale farming"? Specifically, where does contract farming and integrating small farmers into global markets fit?

Under each of these models of production, what crops are produced and for what markets? Who among the various actors benefits from the added value generated in field production and the various stages of processing?

What are the trends in investment in large-scale plantations and in small-scale farming? Who are the investors under each model? What are the drivers of investment? What rates of return are expected?

What are the economic, social, gender and environmental impacts of each of these models? e.g. on rights, conflicts and political unrest, employment, migration, biodiversity, nutrition, etc.

Is the 'green revolution' the right way for farmers in Africa?
High input agriculture is not sustainable and feasible in many countries, new agricultural technologies are often not sustainable and suitable for small scale farmers – they neglect ecological and socio-economic conditions and depend on infrastructure which is not available for small scale farmers – the reason why the green revolution did not succeed in Africa.

Is the supply with sufficient and qualitatively good food secured in a country before producing biofuel plants and cash crops for export?

Is the effect of climate change considered in production of cash crops?
*Monoculture plantations are unsustainable production systems and increase the effect of climate change and negative impact on resources (soil, **water**) and reduce biodiversity. This may affect small-scale farming in a large area.*
Water may even represent the most important issue and constraint and has to be specifically considered.

Is small scale farming sufficiently supported?

IFPRI showed that investment in small scale farming in Africa has the highest economic returns for the country.

Are contract farming and out grower schemes sustainable in social and agro-ecological terms? What are the experiences to date? Were promises of financial investment, employment, technology transfers and income generation in agreements fulfilled? Research on impact is needed.

Does the investment lead to any displacement of rural people?

Does the new land use lead to any change in water availability affecting the region?

"There is no proof that the food security and labour situation in a country improves through foreign investments in large plantations".

4. Mapping of instruments (technical, political, corporate) that influence land use and of their use at different aggregation levels.

inter alia:

Land policies, property rights, land lease, use of external inputs
Instruments related to the Right to Food
RAI Principles
"Minimum human rights principles applicable to large-scale land acquisitions or leases" suggested by the UN Special Rapporteur on the Right to Food
Draft Voluntary Guidelines on Responsible Governance of Land and Natural Resources
Final Declaration of the International Conference on Agrarian Reform and Rural Development
United Nations Declaration on the Rights of Indigenous Peoples
International standards on the right to housing and prevention of forced evictions
Tools related to Corporate Social Responsibility
Taxation tools and policies
Direct and indirect Subsidies

Are local and regional NGOs involved in decision-making and contracts? Is the execution of contracts which include benefits for the local population a legal issue, to be prosecuted also on international level?

Are contracts and agreements transparent and approachable to the local population/civil society, and are they equally involved in formulating the agreements?
Are local and customary land rights considered?
Is sustainable development, economically and ecologically, secured?
Are there consequences for local population and on the environment, food security and poverty?

International bodies such as G20, UN („UN Global Partnership for Agriculture and Food Security"), EU should be driving forces in formulating laws and prosecuting violation of laws which restrict the use of land for pure investment purpose. Laws should prohibit land use on large scale with negative impact on the local population. NGOs have to be involved. International business laws should consider large scale land use for investment purpose and profit making (export) with high negative impact on populations and natural resources as a legal case.

Do the agreements/ contracts generally favour the investments or is their aim to support rural development?

Are land reform and land rights' issues a problem in the country?
The problem will increase with 'foreign' investment in the country.

Can violation of new international (business) laws be prosecuted?
A ,legally' binding convention on economic, social and cultural rights to minimize the threats and realize the benefits is needed which the countries and governments have to follow. International (business) laws, legal issues for foreign land acquisition requires international arrangements and laws that apply everywhere - not only in countries that are targets of investments, but also in the countries where the investments originate.

5. Expected Recommendations

What policies are possible and which instruments can be applied to align large scale investments with country food security strategies?

There should be 'large scale' investment in rural development, but no investment in large scale cash crop / livestock / staple crop production for export which endangers the national food security in countries which are prone to hunger and undernutrition.

How do they account for scale?

What are the necessary conditions for making each of these models (small scale and large scale) a success (e.g. policy environment, tax system, direct and indirect subsidies, etc.)?

What evidence exists to show that win-win scenarios are possible i.e. that both development and profit objectives can be achieved at optimum levels?

How to break unsustainability trends?

Recommendations for research and development?

How can it be assured that land rights and customary rights (e.g. of pastoralists) are not violated? Control measure, regulations and their execution?
Local NGOs and farmers organizations need to sign contracts. Codes of conduct should become principles in law, which can be legally prosecuted, in order to protect local people living on the land and to protect nature

Who decides if land is not overexploited when it is transformed from sustainable shifting cultivation to intensive use? How can it be assured that land use is sustainable and does not leave exploited soil and eroded land after some years of intensive use?

Is there any larger food import (staple crops, meat) into the country at the same time when leaving land to foreign investment?

Which ecological, social and cultural values does the land have?

Investment should be in small scale farming to sustainably increase subsistence and market production (IAASTD). "The productivity of smallholder farmers is key to encourage growth and reduce poverty". "Facilitating access to credit and insurance coverage, providing inputs, services and extension services, as well as investing in rural infrastructure and promoting research and innovation are central to achieve that goal".

Is the investment linked to promotion of the agricultural/rural sector in the country?

Local and regional NGOs should be involved, such as GRAIN and Coalition for the Protection of Africa's Genetic Heritage (COPAGEN)

Conclusion
In conclusion, FAO, UNCTAD, IFAD and WB should not elaborate 'recommendations' or voluntary regulations which may further support the 'foreign' investment in land (land grab), but these organizations should **invest** in supporting rural development through education of local farmers in improving their production systems, improving infrastructure and market access, sustain biodiversity, support small processing firms, or **postulate to the governments** to make these investments.

Other political bodies (see above) should develop legally binding conventions and laws which restrict 'land grab' with all its negative impact.

Prof. Dr. Kerstin Wydra

58. Sivasubramanian Edison from the International Potato Centre (CIP), Peru

Dear Sir,

Many thanks for your kindness in extending the time up to the 10th. I am again on travel since 7th and would return to my base on the 16th Feb.
Nevertheless, I perused through the document and have the following observations:

* Optimum use of the natural resources in small farms, ensure the role of quality planting materials, their production, certification and delivery system, identifyimg thr loop-holes in ther transfer of technology mechanisms--attainable Vs available yield & a yield-gap analysis, preparation of a basic Rarm-plan for each farm-holding / farmer, need to be attended.

*Primary processing of the farm produce, appropriate drying--keeping an eye on say 13 % moisture for grains and pulses, enabling quick transportation and if necessary to provide some subsidy for the same, alleviate problems in storage, avoid feeding by rats & monkeys in the warehouses need to be religiously taken care of.

*Besides food security, the household food security combined with nutrition security--for eg., sweet potato to combat Vitamin A deficiency, providing for more fibrous diet etc.,deserves consideration.

*Role of women in agricultural development and in short, farm activities, their capacity building, enabling low cost but effective technologies mostly from locally availabe resources to be encouraged, There must be a conscious provision to generate employment opportunities even within the villages / hamlet so that movement of rural population to urban aeas to be minimised. The PURA concept need to be educated amongst the youth so that they do not desert the villages.

*Tapping of ITK and their documentation together with knowledge on sustainable use of the Agro bio diversity is to be enforced. This would lead to self-confidence and a pride to be partner to inclisive development,

*Provision of credit to farmers at an affordable rate of interest can ensure profitable farming.
The credit ,ust be made avilable in the door-steps with minimum bureaucracy.

*The investment in Agriculture R & D must be at least 2 & of GDP as against the paltry 0.25 % as of now,

* The MNCs must share part of their profit to the overall development.

These are some issues I thought of and kindly find a way of incorporating the same if possible and found OK.

Since I do not have access to other forms of filing my observations, I have taken the liberty to send this rather terse mail. Sorry for the incomvenience caused.

With kind regards.
Dr.S.Edison.

59. Leonie Clarke from Jamaica

Dear Sir,

I endorse the areas that have been delineated for treatment in the proposed research. What is not explicit in the proposal however, is the matter of land reclamation. Will this be addressed in the assessment of land use and overuse? Too often mined out lands sit "idle" for decades without being reclaimed for productive purposes. What strategies are there to either assist small farmers to reclaim their property from which they have been "displaced" or to encourage mining companies to utilize the land to benefit the communities from which they have gained so much in their exploits?

Thanks

Leonie Clark

60. Olivier De Schutter, UN Special Rapporteur on the Right to Food, Office of the High Commissioner for Human Rights, Switzerland

The UN Special Rapporteur on the right to food, Mr. Olivier De Schutter, welcomes this HLPE on-line consultation on the proposed scope of the HLPE study on land tenure and international investments. He would like to contribute with the following information, comments and suggestions.

Scope of the study

The Special Rapporteur notes that item (i) of the mandate given to the HLPE by the CFS at its 36th session is not clearly translated into detailed questions to the HLPE experts. The CFC requested the HLPE to undertake studies on "the respective roles of large-scale plantations and of small-scale farming, including economic, social, gender and environmental impacts". In the understanding of the Special rapporteur, this means that the experts should provide the CFS with an overview of the present knowledge of the advantages and drawbacks of both models.

Thus, the Special Rapporteir considers that, in line with the CFS mandate, the fourth bullet point of the third section of the proposed scope ("Role and effects of scale (larger scale plantations or small scale farming))" should be given priority and be accompanied by questions to explore available evidence about the costs and benefits of large-scale and small-scale farming, including with regard to: (i) employment creation in rural areas; (ii) raising incomes and providing livelihoods options, including for women; (iii) improving food security and nutrition at the national, sub-national level and regional levels; (iv) impacts on the environment in the long run, including impacts on soil fertility, water quality of rivers and aquifers; (v) contribution of both models to resilience to natural and socio-economic shocks.

Moreover, a vital issue to be investigated by the experts is to present the CFS with an update on the debate over the question of the 'inverse land-size productivity relationship'. This question is of

utmost importance because it is at the heart of the debate over the respective merits of large-scale versus small-scale farming. The state of the art on this question should not be limited to the classic economic debate (the inverse relationship per se) but include broader issues, such as the role of small parcels of land as safety nets for the poor, or the role of both models in the creation of tax revenues for the state in order to cover public spending such as education or transport.

The first item of the proposed scope ("Framing the drivers of the revived interest in investments in land and agriculture") could usefully be defined more precisely, with detailed questions for the experts, such as: (i) to what extent do biofuel policies of certain states and regional groups drive the investment in land in other regions, and with which desirable and undesirable effects?; (ii) to what extent do REDD instruments drive the revived interest in land investment, and with which desirable and undesirable effects?

General references

The Special Rapporteur has addressed issues related to land tenure and international investments recent reports in recent reports to the UN General Assembly and Human Rights Council (available at: http://www2.ohchr.org/english/issues/food/annual.htm):

- Report to the Human Rights Council on agroecology and the right to food (A/HRC/16/49)
- Report to the General Assembly on access to land and the right to food (A/65/281)
- Report to the Human Rights Council on large-scale land acquisitions and leases: A set of minimum principles and measures to address the human rights challenge (A/HRC/13/33/Add.2) available at: http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-33-Add2.pdf

61. Georgina Peard from International Union for Conservation of Nature, Switzerland

Dear All

I received these additional points from a colleague that may fit into recommendations for further research with regard to land tenure and investment strategies to achieve food security

Biodiversity is mentioned specifically in the scope but it would be good to highlight the impact of species interactions as well, especially in the context of climate change. For example, many crop-pest, pest-predator interactions are shifting, population sizes are changing because some species are affected negatively by climate change, while others - such as invasive alien species and disease vectors - are spreading; habitat change is already occurring in some areas, leading to species range shifts and changes in plant diversity which includes native foods and traditional medicines. Therefore, assessment of this would also be crucial for future strategies.

Also, impact of climate change on land itself as part of environmental security issues, that leads to environmental migrations must also be focused upon. Climate impacts on land are changing the ability of land to support agriculture which specifically impacts small farmers who are then forced to migrate to urban areas causing food security issues there.

Regards
Georgina

62. Danilo C. Cardenas from the Philippine Council for Agriculture, Forestry and Natural Resources Research and Development, the Philippines

We believe the indicated scope adequately covers all the important issues (economic, social and ecological) associated with land tenure and international investment.

Thank you.

Danilo C. Cardenas, PhD
Deputy Executive Director, PCARRD