

## **SUMMARY OF THE ACTIVITIES MADE IN BRUSSELS DURING THE SECOND WORKSHOP ON THE IMPLEMENTATION OF THE TENURE GUIDELINES IN EUROPE AND CENTRAL ASIA**

In Brussels, from April, 14<sup>th</sup> to April 17<sup>th</sup> 2015, at the initiative of the European Coordination Via Campesina, and FIAN, TNI and Crocevia, 35 persons reunited to analyze the state of the tenure related to land, forest and fisheries in Europe and central Asia. They came mainly from trade union organizations, from Organizations of the Civil Society (OSC) and from Non-Governmental Organizations. They have shared local, national and European experiences, and concluded that the implementation of the Voluntary Guidelines on the responsible Governance of Tenure related to Land, Fisheries and Forest (the Tenure Guidelines- TG) would be opportune to strive at tackling tenure problems in Europe and central Asia.

This workshop is the second of its kind. We organized the first one in Rome, January 2015, where we focused more on the content of the TG. In Brussels, the goal was to think, elaborate and make proposal on a European strategy to tackle the problem of the concentration, grabbing and access to tenure of land, fisheries and forest, from Spain to Kirghizstan.

### **1) Presentation of the national situation: case and legal framework**

Participants to the workshop came from 17 different countries. In order to facilitate the discussion and synergies, three groups have been set up, trying to consider the respective historical and economic backgrounds of the countries: North EU, South EU, and Post-Soviet area.

In North Europe, land concentration is a huge problem that creates entry denial on the agricultural market to young and poor. Indeed, too many resources are needed to start farming in Germany, the Netherlands, Belgium or France, even if the national situations and respective legal framework are very distinct. Such process leads to land grabbing in the EU but also outside the borders. The regulation known in France is contrasting with the permissive market of Belgium and the Netherlands. The existing legislations are mainly encouraging investments, foreign or domestic. It is not an absence of ruling, but a voluntary process of commodification of the natural resources. Sweden knows a deeper process which is similar to a colonialist regime since the entrance into the EU. The natural resources of Sweden, and in particular the vast forests of the North of the country, aren't exploited in favor of the local population. The resources are driven to the capital in the South, or even farer, into the heart of the continent, while the local population is marginalized and deprived from the enjoyment of the benefit of these resources. More, the rural regions are declining and the population migrates to the cities. For the participants, the TG could have appeared as shy in its terms when it comes to the description of such predatory '*extractivism*'.

In Mediterranean Europe, the situation builds on social inequalities concerning the access to the land. Here also central cities are pressuring the rural areas. The legal system aims in general at putting on the market lands which should, quite the opposite, be recognized as a territory with economic, social, environmental and cultural values. The case of Sardinia is illustrative, in which the national government only want to generate growth through massive investment that are denying the right of the local population to live in a peaceful, sane and healthy way. The struggle should thus be based on the question of land and land sovereignty, which must include the holistic approach of the territory. The Italian situation is close to one in Spain or Turkey.

In the so called Post-Soviet region, the historical collapse of the USSR led to the deconstruction of the agricultural sector. In Kirghizstan, Georgia, Albania, Azerbaijan, the land tenure entitlements have been fragmented through ineffective redistribution and at the same time, rural infrastructures have been underestimated. When the legal frameworks consider the land issues, it is often made of good laws that have no effects on the ground. Moreover, laws are overlapped and sometime contradictories. From an economic point of view, agriculture is not any more attractive; thus land price went down, and governments seek for foreign investments and support from international organizations, such as the FAO, the EU or the World Bank. The challenge is now to not let the private interests develop them-self without redistributing a fair part of the benefit to the local population. Another concerning issue is the situation of the indigenous people from Siberia. They are not free to use the land they are occupying. The use is legally restricted to hunting, fishing and harvesting. They have no right to generate income and proper economic activity with their natural resources. Furthermore, there are legally restricted even on the consumption of the fishes – to 175 grams a day! At stake is their cultural identity which is neglected and crosses the TG's chapter 3.

It is worth saying that small fishers were voiced by the International Collective in Support of Fish-workers. Like farmers, fisher-folks have a traditional way of living, are culturally discriminated and marginalized while public policies are often applying the same norms and rules as for the fish industry. There is a clear interest and opportunity to connect both struggles in order to implement the TG in Europe to all kind of the tenure.

## **2) The situation within the European Union**

The European Union isn't an area free of problems concerning the tenure of land, fisheries and forest. During the first afternoon of the workshop, this perspective is addressed. Sylvia Kay and Jonathan Peuch presented the state of the land in Europe, through statistical data and through the analysis of the legislations. Their intervention has been based on the report they have written for the European Parliament<sup>1</sup>. Two main processes are occurring, that are land concentration in the western and northern part of the EU, and land grabbing in the peripheries of the EU and also in its neighborhood. In 2010, 3% of the farms controlled 50% of the arable lands in the EU. Land concentration in high income countries is translated by land grabbing in relative cheaper land markets. The most timid measure of land grabbing comes from the Land Matrix. It estimates that 166,359 hectares in March 2015 have been grabbed. However, other fragmented data estimate that land grabbing is much higher and counts for more than 100,000 hectares in Hungary, Romania or Poland only.

Concerning the legislation, three policies are having the main structural effect on the European land market. The Common Agricultural Policy (DG AGRI) has been concentrating the land by concentrating the direct payment distributed to the farmers. The 1% biggest farms in hectare beneficiate of around 25% of the CAP payments; it goes up between 40% and 50% of the payments in Romania, Hungary, Bulgaria. Secondly, the rules that derivate from the internal market (DG MARKT) strive at transforming land into a pure commodity, whereas land is an immovable and non-reproducible 'product'. Demand increases while the market is already saturated. The market buys everything. The pressure is so high that human rights and rural development are at stake in poorest region of the EU. Thirdly, the effect of the EU outside its borders is also as interesting as problematic, and could provide a powerful leverage to support social movement in the Eastern neighborhood (DG NEAR, DG DEVCO), and finally to oblige European companies to align their actions on the TG recommendations. At the end, there is a European land framework that turns territory to pieces of land, puts them on the market and sells them to the investors being negligent to the local, rural populations.

During the discussion, it has been remarked that the study is focusing on farmland only while the same situation is existing in the fisheries. Further collaborations are expected here to strengthen the relationship between farmers and fishers. Moreover, the gender issue should be taken more seriously.

### **3) The Tenure Guideline: nature, scope, justiciability and utility**

The workshop in Rome was dedicated to the content and in-depth analysis of the TG; however this second seminar couldn't spare on a review of the main principles and chapters. Florence Kroff underlined the general principles and implementation principles. The holistic vision of tenure is anchored in our political objectives. As indigenous people from the Russian Siberia were present (absent in Rome), the chapter 3 has been analyzed with a practical vision. Chapter 4 remains the key part regarding markets, land grabbing and investments; it is thus very relevant to the EU. The question related administration of tenure is localized in chapter 5, where taxation, spatial planning and cadaster play a decisive role in the matter. One insisted on the chapter 6 because the Climate Summit in Paris could be a leverage to diffuse our concerns. The last chapter proposes tools and orientations for strategies, while the idea of national platforms appears as promising.

During the evaluation of the first seminar, participants noted that the nature and the justiciability of the TG were unclear. Federico Pacheco bridged the issue. The TG are voluntaries and don't create new legal obligations to the states. However, they are recognized as a valuable standard by the Committee on world Food Security, in which the governments are voting, including all Europe and Central Asia. Guidelines have a high legitimacy because OSCs took part to their negotiation and perceive the results as satisfactory. Moreover, they are interpreting obligations that exist in the head of the states under other international laws and human rights, such as the International Covenant on Economic, Social and Cultural Rights and the Right to Adequate Food (*ICESCR* article 11). At the end, a violation of the Tenure Guidelines is not justiciable, but would likely indicate a violation of national or international obligations. Furthermore, the TG can greatly help social movements to elaborate, criticize, advocate for and evaluate national laws. TG can help to organize them-self and their claims. They are a strong tool to detect and answer to infringement of communities' rights concerning access to, control over and use lands, fisheries and forest.

### **4) Elaboration of collective actions and strategies**

The last purpose of the workshop was to build up collective actions and strategies to tackle problem of access to, control over and use of land, fisheries and forest. A list of action have been proposed and collectively adopted. Even if a clear calendar and responsibilities haven't been undertaken, the 'Hands On the Land for Food Sovereignty' Coalition could play a leading role for coordinating organizations of good faith. Main actions are:

- a. To create national platforms and coordinate them through a pan European network that would be able to inform, alert, share experiences between participants.
- b. To set up a mailing list and a newsletter based on Nyeleni Europe.
- c. To support initiatives and training and to raise awareness in Eastern and Central Asia. The translation of the Tenure Guidelines would be a good step.
- d. To advocate for implementing public/official agencies to monitor the social, economic and cultural state of tenure, in the EU at least.
- e. To linkage with other actors, notably lawyer to defend people's rights.

- f. To exchange concerning good practice of public policies and law and keep in contact.

## 5) Public Event into the EESC

A public event has been held into the European Economic and Social Committee the last day of the workshop. The objective was to communicate to the European institutions our findings and claims, and also to participate directly to the European processes. It has been moderated by Javier Sanchez and Andrea Ferrante from ECVC.

Marta Di Pietro and Federico Pacheco presented the main conclusions of the workshop to the audience. They argued that the land problem is not only a South's problem, but also a European one, which is driven by land concentration that leads to land grabbing. The Tenure Guidelines are providing very useful, legitimate and effective orientations, notions and tools to tackle these problems. The European Union should seek at adopting the Tenure Guidelines, and at least promoting their implementations in the Member States.

Two Member of the European Parliament were present, one from the Greens, Maria Heubuch (Germany), and one from GUE, Lidia Senra (Spain). Their discourses were somehow very close. They both feel very concerned by the problem of land and other tenures, and are considering the possibility of a debate into the European Parliament and also at the national levels. They said that the internal debate should be pushed in parallel by social mobilizations outside the institutions, because their political parties can find no majority alone and need social supports.

Kaul Nurm published an important Opinion for the EESC in January 2015 about Land grabbing and Family Farming<sup>i</sup>. He hosted us into the EESC and facilitated the organization of the public event. He presented superficially the content of the report, and rather insisted on the fact that the Guidelines are Voluntary and that in Europe, the legislation are more or less conform to the TG's principles. The main problem is the money, and the adequate answer is to put restriction to the free movement of capital. If no ruling is adopting, lands will continue to flow from the farmers' hands to the companies' ones. And this is a threat to food security, the agricultural sector and the family farming.

Leonard Mizzi from the DG Agri made some proposals to improve our presence in the consultation processes, and to push our concern in the EU institutions. He advised us to stimulate debates into the national parliaments throughout the Member States and said that the main power was in the hand of the governments and of the European Parliament. He underlined the need of an inclusive process with other stakeholders in order to build compromises and partnership. He encouraged our organizations to increase our participation to the Civil Dialogue Groups of the EC to share our vision.<sup>4</sup>

The following quote from Andrea Ferrante will conclude this brief: "Land grabbing can't be an option for the EU agriculture. Others paths and relationships to natural resources already exist that must be recognized. The knowledgeable communities must be at the center of the processes, in conformity with the economic, social, cultural, environmental and Human Rights."

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<sup>i</sup> Sylvia Kay, Jonathan Peuch, Jennifer Franco (2015) '*The extent of farmland grabbing in the EU agriculture*', commissioned for the Comagri to TNI.

<sup>ii</sup> EESC (2015) '*Opinion on Land Grabbing: a wake-up call for Europe and an imminent threat to family farming*'.