



The rush for agricultural land

A human rights approach

European Parliament – Committee on
Development

*Public hearing on property rights, property
ownership and land grab in developing countries*

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... result of past failures!

“We have failed in the past to adequately invest into agriculture and rural development [...]. We have failed to promote means of agricultural production that do not deplete soils and do not exhaust groundwater resources. And we are failing today to establish well-functioning and more reliable global markets for agricultural commodities.”*

* UN Special Rapporteur on the Right to Food, A/HRC/13/33/Add.2, p. 4





Why a HR approach?

- All States are bound by human rights standards
- Mechanisms for accountability
 - Governments, other actors
 - within countries, between countries (international obligations*, international solidarity)
- Strategically: neutral approach

* Extraterritorial obligations (ETOs)





Land rush - key concerns

- Right to adequate standard of living
→ Right to food, water, adequate housing
- Right to self-determination
- Right to participate in cultural life
- Right to development
- Right to participate in public affairs, right to receive information



Example: right to food

- ICESCR 11.2 – ensure freedom from hunger
- Obligations of action
 1. Respect
 2. Protect
 3. Fulfil
- Obligations of process
 1. Non-discrimination
 2. Adequate progress
 3. Participation
 4. Effective remedy





The way forward

- Promote a human rights approach to investments in agriculture (and natural resources)
- Address broader issues influencing FDI in agriculture
- Mandatory and participatory human rights, social and environmental impact assessments



Further reading

- 3D. 2009. *The global land grab: a human rights approach*
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- De Schutter, Olivier. 2009. *Agribusiness and the right to food*
- De Schutter, Olivier. 2009. *Large-scale land acquisitions and leases: A set of minimum principles and measures to address the human rights challenge*
- De Schutter, Olivier. 2010. *Keynote address to the high-level session of the Commission on Investment, Enterprise and Development, UNCTAD, 26 April 2010*
- Howard Mann & Smaller, Carin, *Foreign land purchases for agriculture: what impact on sustainable development?* Sustainable Development Innovation Briefs, January 2010
- Shepard, Daniel (with Anuradha Mittal). 2010. *(Mis)investment in Agriculture: The Role of the International Finance Corporation in Global Land Grabs*, The Oakland Institute
- EinBlick. 2010. «Land Grabbing» – die Gier nach Land: Der Wettlauf um Land verschärft den weltweiten Hunger. Brot für alle / Fastenopfer
- *Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources*. 2010. Discussion note prepared by FAO, IFAD, UNCTAD and the World Bank Group
- World Investment Report 2009. *Transnational Corporations, Agricultural Production and Development*. UNCTAD





Conclusion

- Need for documented and enforceable policies that promote sustainable agricultural systems and protect affected people's rights to land, water and food
- No time for complacency – if not addressed, the seeds for future conflicts will have been planted today

