

Expanding the Dialogue on large-scale land acquisitions and their alternatives

Concept note draft 20.04.10

Background and rationale

Increasing large-scale investment in land, particularly in the agricultural sector, but also including other sectors such as mining, agrofuels, tourism, forestry and carbon sequestration, is of interest and concern to a wide variety of organisations ILC members launched a collaborative research project in 2009 on this question, as have a variety of other organisations. While there is agreement that the implications of this trend are far-reaching, opinion is sharply divided on what these implications might be. Responses have focused on the social, economic and environmental risks it poses, and/or on the possible opportunities arising from increased investment in agriculture and other rural sectors.

The phenomenon raises fundamental questions on land rights, development and food security, with diverse views being held by different stakeholders. Inter-governmental and governmental agencies currently taking a lead have proposed principles for responsible land-based investments,¹ while producer organisations and social movements representing the populations most directly affected by such investments have generally been more sceptical of the possibility of achieving 'win-win' outcomes.

Consultations on particular proposals that have taken place up to this point have been limited in scope, and thus risk being limited in their legitimacy. In addition, alternative proposals have not had the opportunity to be widely heard or debated.

Objective

- to enable a wider diversity of stakeholder groups to influence the nature of global responses to large-scale land acquisitions and to consider their alternatives

Outcomes

- increased engagement in debates on land-related investments by primary stakeholders, particularly by producer organisations.
- responses to increased land-related investments shaped by a wider variety of stakeholders

¹ Including:

- the 11 "Minimum Human Rights Principles Applicable to Large-Scale Land Acquisitions or Leases" by Olivier de Schutter, Special Rapporteur on the Right to Food (December 2009)
- the 7 "Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources" by FAO, IFAD, UNCTAD and the World Bank (January 2010)
- the 6 "basic principles" on the "Purchase and Leasing of Large Areas of Land in Developing Countries" by BMZ (August 2009)
- IFPRI's 5 "key elements for a code of conduct for foreign land acquisition (April 2009)
- The FAO-led Voluntary Guidelines on Responsible Governance of Land and other Natural Resources (process underway).

Partnerships

Considering the diversity of opinions involved, this process is not intended to privilege any single position or perspective *a priori* over others. It will enable greater inclusion in critical debates, and thus increased possibilities for direct engagement by a more diverse group of stakeholders. In the first stage, an **Initiating Committee** (IC) will be formed to launch the process. The IC is composed of: ILC Secretariat, Action Aid, AFA, ROPPA and COPROFAM.

The roles of the IC are to:

- (a) complete the initial design of the dialogue process, by finalising the current extended concept note which then could be shared with potential members of the Convening Committee
- (b) Establish the Convening Committee (CC), which is expected to be an expansion of the Initiating Committee.

The **Convening Committee** is expected to be composed of about 10 organisations whose constituencies, reputation and positions on the on-land related and development issues create, when added together, the level of credibility needed for all key stakeholder groups to feel comfortable engaging in the dialogue process. Representatives of the following stakeholder groups will be invited to form the additional members of the Convening Committee: Indigenous People's Organisations, Governments of traditional investor countries, Governments of emerging investor countries, Host Governments, Inter-Governmental Organisations and the Private sector.

The roles of the Convening Committee include:

- Finalising the design of the Dialogue process and continuing to develop the concept note. This will involve, among others: defining the objectives, format and milestones of the dialogue; and well as defining the types of participants, etc.
- Ensuring transparency and inclusiveness of the Dialogue process. This requires that the necessary efforts are made to ensure that all relevant stakeholder groups take part in the dialogue and that all dialogue participants are equally treated.
- Ensuring that the Dialogue process is adequately linked in to relevant regional and global processes on responding to large-scale investments in land.
- Mobilising the needed financial resources for the dialogue while not compromising on the independence of the process

Methodology

A process of dialogue on existing and new proposals for responding to large-scale land-related investments will be initiated. This may involve bringing together diverse stakeholders to present and to debate such proposals. The evidence compiled by research projects of ILC and a number of civil society organisations due for completion in the second half of 2010 would enable greater engagement by civil society and producer organisations in such debates. The Dialogue process could have two phases:

Phase 1: CSO/FO focused dialogue.

At this stage, a restricted number of organisations (mostly global inter-governmental and international academic and civil society organisations) have been meaningfully exposed to available evidence on land acquisitions and have taken part in the debates on the

phenomenon and on possible response options. In order to level the playing field, it is therefore important to start the dialogue with a phase focusing on CSOs and Farmer Organisations. Two key questions will be covered during this phase of the dialogue: What is happening and where? What is being proposed? These dialogues will be organised by stakeholder organisations themselves, rather than the whole Convening Committee.

The exact format of this phase is to be discussed and agreed among members of the IC and later of the CC. This phase could last from May to June.

Phase 2: Open multi-stakeholder dialogue.

The second stage would open up to all stakeholders, guided by the following specific objectives:

- *Improved understanding of the nature, magnitude and possible advantages and problems associated with large scale investments in land and agriculture.* This will be achieved by sharing available evidence from work conducted by various stakeholder groups. In addition to the work done by IIED-FAO-IFAD, by the WB, other studies are being carried out by ILC, OECD/Club du Sahel, GTZ, ROPPA, etc. The dialogue participants will be exposed to available knowledge from various sources and share their perspectives on the meaning and implications of the evidence.
- *Improved understanding of the response options being proposed.* All response options will be put on the table for discussion. They include regulatory responses such as principles, codes of conducts, guidelines, but also divergent views such as that none of them are appropriate to deal with the problem.
- *Better understanding of the differences (convergences and divergences) in the responses being proposed.* In support of this objective, it could be envisaged to commission a “convergence analysis” of the various proposals for regulatory responses. The result of this work would be a contribution to the debates.
- *Decide on whether the dialogue can endorse minimal requirements to guide decisions on large-scale investments on land and agriculture.* The CC should discuss whether this objective is premature to define or not. If premature, the CC could leave it to the open dialogue participants to decide.
- *Agree on whether the platform established as part of the Dialogue has a longer term role to play or not.* For example if a consensus is reached on minimum requirements the multi-stakeholder platform could play a role of monitoring compliance.

There are good reasons to have the CSO-FO focussed consultation process (described in phase 1) continue while the broader dialogue process is taking place. Its continuation will allow CSOs and FOs to have a more coordinated engagement in the open dialogue, the same way some of the other stakeholder groups (such as global IGOs) are likely to maintain a parallel consultative process among themselves.

Linkages with wider processes

Annex One below outlines a preliminary list of global events in 2010 at which responses to large-scale land acquisitions are likely to be discussed. The IC and CC will be responsible for ensuring that the dialogue process feeds into and links with these and other events that are relevant.

Annex One: Draft agenda of 2010 regional and global meetings on promoting regulatory frameworks to investments in land

1. FAO *Voluntary Guidelines for Good Governance in Land and Natural Resource Tenure*, 2010 regional meetings:

- London, UK, January (Private sector meeting)
- Bucharest, Romania, 22-24 March (Europe meeting)
- Amman, Jordan, 2-4 May
- Porto Alegre, Brazil, 20-21 May
- Ouagadougou, Burkina Faso, May
- Bishkek, Kyrgyzstan, June
- Fiji Islands, July
- Addis Ababa, Ethiopia, July
- Panama, Panama, July

Apart from the regional meetings organized by FAO, there will be 4 regional meetings organized by IPC to specifically identify issues relevant to civil society:

- Kuala Lumpur, Malaysia, March
- Ouagadougou, Burkina Faso, May
- Porto Alegre, Brazil, June
- Rome, Italy, July

<http://www.fao.org/nr/tenure/voluntary-guidelines/events/en/>

2. World Bank land conference (part of the spring meetings), 24-25 April 2010

<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:22491141~pagePK:220503~piPK:220476~theSitePK:228717,00.html>

3. Working session on 'Land Investment in West Africa: regional perspectives and global challenges', 26 May 2010

<http://www.oecd.org/>

4. FAO Committee on World Food Security, 11-14 October 2010

<http://www.fao.org/cfs/en/>

5. OECD Guidelines for Multinational Companies, West African perspectives, 2010

http://www.oecd.org/site/0,3407,en_21571361_43867299_1_1_1_1_1,00.html

6. ADB, IFAD and FAO Investment forum for food security in Asia and the Pacific, 7-9 July 2010

<http://www.adb.org/Documents/Events/2010/Investment-Forum/default.asp>

Coverage	Name	2010											
		J	F	M	A	M	J	J	A	S	O	N	D
G	FAO Voluntary Guidelines for Good Governance in Land and Natural Resource Tenure, regional meetings	■	■	■	■	■	■	■					
R	<i>London, UK, (Private sector meeting)</i>	■											
R	<i>Bucharest, Romania, 22-24 March (Europe meeting)</i>			■									
R - CSO	<i>Kuala Lumpur, Malaysia</i>			■									
R - CSO	<i>Porto Alegre, Brazil</i>					■							
R	<i>Amman, Jordan</i>					■							
R - CSO	<i>Ouagadougou, Burkina Faso</i>					■							
R	<i>Bishkek, Kyrgyzstan</i>						■						
R	<i>Fiji Islands</i>							■					
R	<i>Addis Ababa, Ethiopia</i>							■					
R	<i>Panama City, Panama</i>							■					
R - CSO	<i>Rome, Italy</i>							■					
G	Roundtable On Responsible Agricultural Investments hosted by governments of Japan and USA, 25 April				■								
G	World Bank Land conference (part of the spring meetings), 26-27 April 2010				■								
R	ADB, IFAD and FAO Investment forum for food security in Asia and the Pacific, 7-9 July 2010				■								
G	FAO Committee on World Food Security, 11-14 October 2010										■		
R	OECD Guidelines for Multinational Companies, West African perspectives, 2010												