



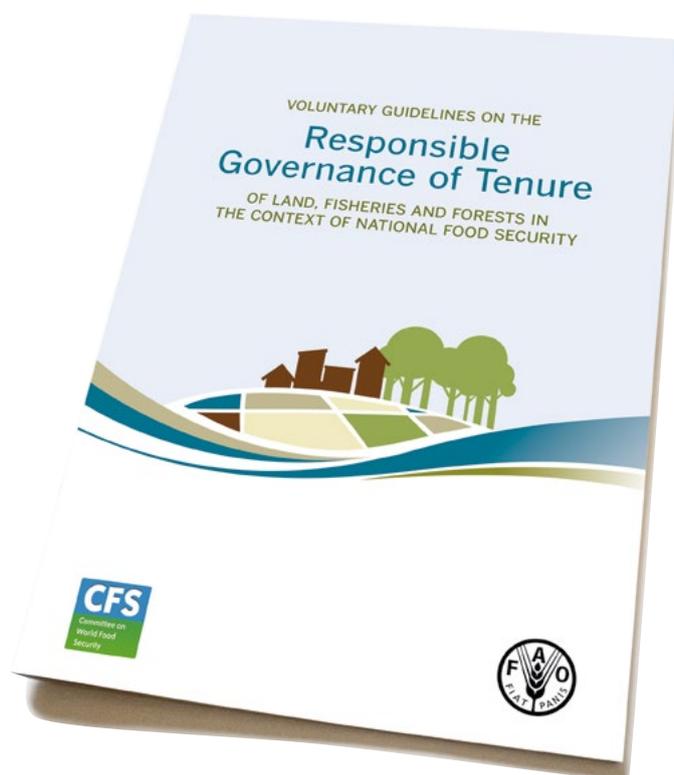
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For a world without hunger



# FIVE YEARS VGGT

A civil society perspective



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**Land Grabbing continues to be a sad reality for more than 30 million people who lost access to land, the basis of their livelihood and food security. In total, around 2.5 billion farmers and members of indigenous peoples use more than half of the world's land. But their land rights are not secure. There is a fierce competition about dwindling natural resources – water, land and forests. Foreign investors and national influential actors use their power to acquire large tracts of land, often for export production, sometimes for mere speculation, but often with disregard for land rights and to the detriment of food security.**

To address this, the United Nations adopted in the framework of the Committee on World Food Security (CFS) in 2012 a new instrument, the “Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security”, short: VGGT. Five years later it is time for stock-taking. Based on the inputs of four partner organizations of Welthungerhilfe from three continents, this is an attempt to draw some conclusions and show possible ways forward to better protect the rights of vulnerable people and their right to food.

**Since 2006, agricultural investments have strongly increased in developing countries and Eastern Europe**



Source: Land Matrix

### Global background

There has been a sharp increase in investments by foreign businesses in the rural areas of Africa, Asia, Latin America and Eastern Europe since 2006. This is documented by a recent analysis of “International Deals for Agriculture” (Nolte et al., 2016) based on data provided by the Land Matrix, an initiative campaigning for transparency in land transactions. The data base covers more than 1,000 large-scale investments ranging from 200 hectares to more than 200,000 hectares.

### Land rights are being violated

The main problem in this context is that the land rights of the people affected by the land deals are systematically disregarded. For generations, around 2.5 billion farmers and members of indigenous peoples have used more than half of the world's terrestrial area (RRI, 2015). While they hold legitimate rights to the land, they are usually unable to prove this, for example with title deeds. Furthermore, in many countries, these legitimate land rights are not recognised by the state authorities. And even if they are, those concerned are often not aware of their rights, or they lack the resources needed to claim them. This has often been taken advantage of both by foreign investors and by those in power at national level to take possession of large tracts of land – a practice that is rightly referred to as ‘land-grabbing’.

Contrary to frequent claims that the areas were uncultivated, most of the land had in fact already been farmed before it was bought up. Scientists estimate that the cases documented in the Land Matrix have resulted in 33 million people losing their land (Nolte et al., 2016). Merely in one fifth of all reported cases had those affected given their consent, whereas in all others, they were either not included in the investment decision-making process at all or were only superficially involved. Compensation, usually a very modest sum, was awarded in only a third of the cases.

### Consequences for the population

Palm oil, sugar cane or other export commodities are grown on the plantations of the large-scale investors. Palm oil is an important raw material for the food and cosmetics industry, while sugar cane is needed for so-called biofuels. Asparagus or avocado is mainly produced for Northern supermarkets. A comparison with the World Hunger Index shows that most of these investments are made in those countries that are in the most severe hunger situation. Often, the seemingly logical equation “More production = less hunger “ often doesn't work, for the crucial aspect is what impact the investments has on the local population. Can people continue to produce food? Or can they earn enough money to buy food?

Prior to the investment, the cropland served the farmers to produce food and, whenever possible, sell their surpluses. Their situation was often precarious, but it is not getting any better through such investments. On the contrary. “When I was still farming myself, it was up to me to decide how much of the harvest I ate and how much I sold. Now I have to buy everything,” says Memai Charles, for example, in a Welthungerhilfe case study in Sierra Leone. She used to be a farmer and now works on a plantation. “And the cost of living is rising. Our family now has a meal only once a day.” Farmer Sony Jina tells a similar tale: “We used to have land to grow rice and manioc, as well as a small palm oil plantation.” With the return on the palm oil, he was for example able to pay the school fees for his son, who is now working on the plantation instead of going to school.

### Who benefits from “structural change”?

The argument frequently put forward in favour of this kind of investments is that they are part of necessary structural change that will provide for employment and economic development. However, the new large-scale investors are pushing the local farmers out of the market. The Land Matrix report states that in around half of all cases, less than five jobs are created per 100 hectares. Moreover, migrants are often employed. The newly created employment opportunities are not sufficient to provide for the new landless. And often employment consists of poorly paid seasonal jobs. Resettlements going hand in hand with some of these investments represent a huge cultural rupture.

Stressing the economic impulses, the latest survey by the United Nations Conference on Trade and Development (Unctad) and the World Bank on the topic of large-scale agricultural investments (Dixie, 2016) also confirms that living conditions are worsened by resettlements and that opaque processes result in conflicts.

However, the International Finance Corporation (IFC), which, as part of the World Bank, promotes private investment in developing countries, has so far excluded settling legitimate land rights from its IFC Performance Standards. What is presented in the survey as “good practice” would also conform with the land tenure guidelines: negotiating with the communities instead of driving them away, and developing a clear strategy for communication and participation.

Land is the new oil. The more people competing for this scarce resource, the more lucrative it becomes. The weakest threaten to lose out in this competition. It is high time to give them a say and respect their right to “free, prior and informed consent”. In order to highlight the paramount importance of land for poverty alleviation and food security, implementation of VGGT should be continued and expanded. But also all other relevant international legal instruments should be respected and enforced.

These are three examples from three continents that show the future challenges and potential of the VGGT.

### Our work

- Welthungerhilfe cooperates with civil society organisations promoting land rights in their countries.
- It supports cooperatives and networks in order to strengthen the negotiating position and influence of farmers vis-à-vis investors and the governments of the countries concerned.
- It helps victims of land grabbing to claim their rights.
- It campaigns for agricultural imports to Europe from developing countries to be produced in compliance with the human right to food (Food Security Standard).



A Land Conference in Sierra Leone with government, business and citizens’ action group representatives (left to right: Alphajor Cham, Ministry of Land and Forest, Wolfgang Wiethoff, German Ambassador, Charles Rogers, Ministry of Fisheries, and Abdulai Bun Wai of the civil society network ALLAT).

Photo: Maurice A. Boima

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### Ekta Parishad/India



Ramesh Sharma, Campaign Coordinator Ekta Parishad

Based on the principles of non-violent belief and action, Ekta Parishad is a people's movement, that works to build Gram Swaraj (community-based governance), Gram Swavlamban (local self-reliance) and Jawabdeh Sarkar (responsible government). Their aim is to see India's poorest gain access and control over livelihood resources family, land, water and forest. Ekta Parishad is a federation of approximately 11,000 community based organizations and individual membership numbering in thousands. The organization currently operates in 11 states where it is working for the land and livelihood rights of India's most marginalized communities (tribals, Dalits, nomadic communities, fisher folk, agricultural labourers, small and marginal farmers, etc.)

### Input from Ekta Parishad/India

"Land Rights" as an unfinished agenda remains a challenge in the political priorities even after seven decades of independence. The growing landlessness has reflected in the recently released Socio Economic Caste Census Report (SECC, 2015) which outlined that about 30 percent of rural households are landless and derive a major part of their income from manual, casual labor. Of the country's total 179 million rural households, 100 million or 56 per cent do not own any agricultural land. Out of a total of 244 million households in the country, nearly 179 million live in villages. Of these, 107 million were considered as deprived households and "nowhere" in the political radar of the State(s). The majority of these people have already occupied a piece of land which is not yet regularized in their name. With reference to the respective land revenue legislations, the State should legally recognize their claims over occupied land.

In India, many land rights organizations are using the VGGT for explaining how states should recognize or allocate tenure rights to land, fisheries and forests, in accordance with national laws, and to establish safeguards to avoid infringing on or extinguishing tenure rights of others, including legitimate tenure rights that are not currently protected by law. Recently some States are advancing the land re-distribution process, like in Madhya Pradesh the State government has already recognized the rights of homeless poor by introducing Madhya Pradesh Homestead Guarantee Act (2017) which allows homeless poor to claim their land rights.

In India, where the majority of agricultural activities are carried out by women in particular, safeguards should protect women and the vulnerable. Where States intend to recognize or allocate tenure rights, they should first identify all existing tenure rights and right holders, whether recorded or not. In India, within the framework of the Forest Rights Act, the majority of States are ensuring land as a "joint entitlement", where the names of women and men are jointly

mentioned. This means that the enforcement of the Forest Rights Act as a progressive tool is extremely significant for recognizing women land rights.

Indigenous peoples and other communities with customary tenure systems, smallholders and anyone else who could be affected should be included in the consultation process as well defined in Panchayat (Extension in the Scheduled Area) Act (1996), Forest Rights Act (2006) and Land Acquisition Act (2013). Within the framework of the VGGT, the States should provide access to justice, if people believe their tenure rights are not recognized. For this the State could make use of the Legal Services Authority Act (1987) which ensures legal aid and legal services specifically for the deprived communities.

Some significant initiatives which are designed in accordance with VGGT are:

- Community Paralegal Support Center in Telangana: The increasing number of land disputes has always been an issue for the institutions set for ensuring timely justice to the concerned people. In the recent past, Telangana State Government has elaborated a framework at local level towards ensuring legal advice and legal aid with the help of paralegal workers. With this significant initiative thousands of deprived people have received justice and their due rights.
- Community Forest Rights in Orissa: The Simlipal Tiger Reserve is situated in the Malkangiri district of Orissa. After the Forest Rights Act, the villagers in this particular protected area have started the process for Community Forest Rights which actually recognized their rights over common property resources. Finally, after having defined procedural steps, they have received the community entitlement for the conservation are, use and management over thousands of acres of land.

- Scheme for Rehabilitation and Resettlement of Erosion Affected People in Assam: In 2015, the Assam government after long discussion with Ekta Parishad brought a special scheme for the rehabilitation and resettlement of erosion affected communities. This directly recognizes the rights of the affected communities as described under VGGT and concerned State legislations in Assam.
- Operation Mahadalit in Bihar: This process is focused on ensuring land (tenure) to every landless poor in the state of Bihar. Thousands of landless poor are listed/identified with the help of local elected representatives and officials are benefitted by getting a piece of land and entitlement.

These actions are based on basic principles which are well described in the VGGT and other international frameworks. But at the same time the reversal of land reforms, also very visible in policy and practice, affected the life of millions of marginalized people. This sidelined the constitutional commitment, but also undermine the international obligations like FPIC, ILO169 and VGGT etc. Ekta Parishad, by publishing the various communication materials, is therefore trying to popularize the VGGT at various levels.

## Input from TIERRA/Bolivia and CEPES/Peru

Bolivia and Peru are two neighboring countries that are characterized by the prevalence of small-scale agriculture carried out by smallholder families, peasant communities and indigenous communities. The Andean farmers work on farmlands that range the average size of 1.5 hectares per family in Bolivia, and 1.4 hectares per family in Peru. This rural population is mostly poor: in Bolivia, 71% live in poverty; in Peru this number reaches 48% (2016).

At the same time, in both countries, the land ownership is concentrated in the hands of private companies, especially in the lowland areas and around the amazon region. Private investments not only control land tenure, but also other natural resources, mainly wood, minerals and gas, as well as water. In Bolivia, the soybean production for export is constantly increasing, and likewise are the extractive activities in the amazon region. The coastal area and amazon region of Peru show more and more cases of land concentration used for the export-oriented production of, mainly, asparagus, fruits and biofuels.

## TIERRA/Bolivia and CEPES/Peru

TIERRA is a Bolivian non-governmental organization that seeks ideas and proposals in order to foster a sustainable rural development of indigenous and peasants populations. Central to their work is a commitment to an equitable and sustainable use of natural resources, particularly land and territory. TIERRA's approach combines research activities with actual work in the field. Their community includes researchers, rural development professionals, activists, and community leaders. Jointly, they support indigenous and peasants organizations to ensure their active participation and to strengthen their representation of interests. TIERRA's work combines five major themes: food security and sovereignty, agrarian and rural transformations, land reform and land titling, women's access to land, and indigenous autonomies.

CEPES looks for the inclusion of small farmers and peasant communities (campesinos) in national processes of modernization and democratization, with a broad political commitment to fostering national development in a democratic, decentralized and equitable way. CEPES was created in 1976 as an institution specialized in rural development, focused on offering its professional contribution to the task of improving the living conditions of rural women and men of Peru, with the perspective of contributing to a more democratic and just society. After more than three decades, CEPES still maintains its original objectives.



Gonzalo Colque, Executive Director Fundación TIERRA



CEPES

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In this context, instead of attending the peasant and indigenous majorities, national governments tend to promote private investments in order to strengthen the extractive model. The exercise and implementation of legal frameworks systematically suffer setbacks, as new national laws are being approved that make previous ones more flexible, neglect the protection of the environment and favor the appropriation of natural resources by transnational corporations. For example, in Bolivia, the conflict on the indigenous territory TIPNIS was revived by the approval of a new law (Law 969) that allows the construction of a road that leads through the heart of this indigenous territory and protected national park. In Peru, the approval of Decree 1333 supports the realization of megaprojects of private investments, putting at risk the lands of smallholder families and communities.

In this regional context, a number of peasant and indigenous organizations, supported by national human rights NGOs, have started to be alert and in some cases, to use the Voluntary Guidelines on the Responsible Governance of Tenure of land, fisheries and forests (VGGT) as an international instrument for the defense and protection of their right to access to land, territory and natural resources.

The most relevant initiatives that have been implemented in the last three years (2014-2016) are:

- School of peasant and indigenous leaders: With the support of Welthungerhilfe, the NGOs Fundación TIERRA and CEPES are training a selected group of 400 national leaders on the potential and “bottom-up” use of the VGGT for claiming their territorial rights. In Bolivia, the peasant and indigenous leaders have set up spaces for discussion and dialogue in the different regions, where they identify common agendas. In Peru, new agrarian laws are jointly being analyzed from a legal point of view, especially laws that promote private investments on land and natural resources. At the same time, the trainings focus on strengthening the capacities of the leaders to participate in different meetings like official commissions with government representatives.
- Working groups on the registration and regulation of land transactions: Medium and large land transactions neither are controlled nor registered by public institutions, especially when it comes to non-transparent selling of fiscal land, the legalization and legitimization of large properties or the legal practices of expropriation of smallholder families and indigenous communities. The agendas of the peasant and indigenous organizations intend to claim the approval of new legal frameworks that regulate foreign investment by applying the VGGT, as well as to demand the governments' responsibility in the legal recovery of their lands and territories.



Alberto Delgado, Coordinator of Cepes in Peru's Huancavelica region, talking to local people about a dam project.

- Social and environmental responsibility of multinational companies: The fast expansion of multinational companies in the agricultural commodities business and the acquisition of large tracts of land have made national laws irrelevant. During two decades, the transnational investment followed a strategy of low public profile. In this regard, both peasant and indigenous organizations in their role as activists and human rights defenders are applying the VGGT as an international frame of reference to demand stronger regulation and control by their governments. In Bolivia, a “counter-project” that aims to regulate private investments in land tenure has been developed. Though this document did not progress to approval, it is being studied by several interested groups.

In this sense, the VGGT give the opportunity to strengthen the participation of marginalized groups in the dialogue and discussion of public policies. However, significant progress has been made in the adoption of international instruments on human rights and indigenous rights, so that the main problem is not the formulation of new national laws, but the enforcement and implementation of existing regulations. In many cases, the VGGT serve as argument and support for the claims put forward by civil society. Also, new legal provisions for issues such as the expansion of international economic interests are being developed. There is, however, still a long way to go in order to disseminate the VGGT and, more importantly, to fully implement them in our countries.

### Input from ALLAT/Sierra Leone

The issue of land is like a hot potato in today’s Sierra Leone. The weak land governance environment in the country has brought confusion and conflict in the face of multi-national companies taking over customary land from poor rural land owners and users.

Well over 50% of Sierra Leone’s population reside in rural communities and the majority depends on land-based livelihoods for their survival. The life expectancy in Sierra Leone was one of the lowest in Africa in 2008: 46 for male, 49 for female (World Bank 2011). Also the share of the population living in extreme poverty (below 1.25 USD/day) is amongst the highest, but has dropped from 53.4% in 2003 (World Bank 2011) to 26% in 2011 (Europe Aid 2014). The total share of the population living in poverty is 70%. Sierra Leone is ranking in the Human Development Index at 180 of 187 countries (Europe Aid 2014).

Almost 75% of the total land area of Sierra Leone (72,325 km<sup>2</sup>) is arable, corresponding to 5,365,000 hectares (FAO 2014). No confirmed figures about large-scale land acquisitions are available for Sierra Leone, as contracts are not available and transparency does not exist in this field. Conservatively, about 30% of the total arable land available in Sierra Leone is believed to be controlled by multi-national companies, mainly for oil palm and sugarcane. The produce, palm oil and ethanol, is used mainly as fuel and destined towards export. In addition, much investment goes into mining, especially for iron ore, rutile, bauxite, gold and diamonds.

Despite vast arable land and favorable conditions for agriculture, Sierra Leone is still a food deficit country, relying on food import, especially rice. Good rainfall, groundwater and surface water resources and the large percentage of arable land as well as the closeness of ocean harbors make Sierra Leone an attractive country for foreign agricultural investors, as the conditions allow large-scale mechanized and irrigated agriculture for export. In their bid to fulfill election promises, Government officials openly accompany investors to rural communities, forcing paramount chiefs to sign land deals. As indicated, there is political interference with Government giving land to agriculture or mining companies without consulting local communities, resulting in loss of traditional lands without appropriate compensation (Government of the Republic of Sierra Leone 2013).

**ALLAT/Sierra Leone**





ALLAT was founded in 2014 and is a coalition of 14 local non-governmental and community based organizations. They are working in all regions in the country and many of their target communities are affected by large-scale land acquisitions. ALLAT advocates for improved conditions in Sierra Leone for transparent and accountable agricultural investments. It is monitoring the processes of large-scale agricultural investments and demanding their rights with mutual consent and cooperation, in accordance with the National Land Policy, existing regulations and laws, and the VGGT.

Abdulai Bun Wai, Programme Coordinator ALLAT  
(Action for large-scale land acquisition transparency).

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Some examples of ALLAT's Work in supporting the implementation of the VGGT in Sierra Leone:

- Enhancing civil society's knowledge and understanding of the VGGT: ALLAT participation started with a Training of Trainers (ToT) workshop conducted by the FAO in Sierra Leone in early 2014. Seventeen out of the twenty trainees of the ToT workshop were provided by ALLAT to improve their understanding of the VGGT concept and principles. Following on the success of this ToT, ALLAT trainers were engaged in further training of Community and district stakeholders in the four provincial regions of Sierra Leone. Participants at the provincial workshops included women and youth leaders at chiefdom level, district civil society organisations and community-based organisations, councilors from the four regions, the police, district officers and representatives of farmer-based organisations. Paramount chiefs and chiefdom speakers also formed part of the audiences for the provincial training. Over 1000 posters printed by ALLAT, carrying VGGT messages, were used for sensitization and awareness raising activities.
- Increase network and advocacy skills to defend land rights and strengthen partnerships for wider application of the VGGT at all levels: ALLAT has been organizing policy forums to engage policy stakeholders on the status of the VGGT implementation and the National Land Policy (NLP) development. At these forums, relevant government ministries involved with the VGGT/NLP implementation including their technical directors and parliamentarians will interact with civil society and present updates on the status of VGGT implementation and respond to questions. ALLAT will in turn brief the policy stakeholders on the findings of their monitoring activities of large-scale land acquisitions, as well as citizens responses to the land reform process.
- Build capacities for effective participation in policy formulation related to tenure reform processes and national VGGT multi-stakeholder platforms: ALLAT conducted research into the cost-benefit analysis of large-scale agricultural investments in the country as well as investigated suitable business models that incorporates smallholder farmers into large scale agricultural investments. These are attempts by ALLAT to support policy development based on research findings and to bring community voices and views into policy decision making.

All this examples show the potential of the VGGT and the need for further support of civil society organizations to claim the rights of those who have no voice.



Welthungerhilfe is supporter of the international land rights campaign [www.landrightsnow.org](http://www.landrightsnow.org)

### Further reading/links

- Nolte, Kerstin et al. (2016): **International Deals for Agriculture. Fresh Insights from the Land Matrix.** Analytical Report II. Bern, Montpellier, Hamburg, Pretoria.
- Rights and Resources Initiative (2015): **Who Owns the World's Land?** A global baseline of formally recognized indigenous and community land rights. Washington, D.C.
- World Bank (2014): **The Practice of Responsible Investment Principles in Larger-Scale Agricultural Investments. Implications for Corporate Performance and Impact on Local Communities.** World Bank Report Number 86175-GLB.

### Recommendations for action

The Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) adopted by the Committee on World Food Security in 2012 provide a normative framework for land rights in the context of food security.

#### This implies

##### For development cooperation

- Special support for programmes protecting the land rights of indigenous peoples and rural communities
- Securing legitimate land rights in all other projects affecting land issues

##### For governments

- Use the VGGT for coherence of activities that infringe on land rights and food security
- Observe the extraterritorial state obligations, i.e. commit businesses to comply with human rights obligations in their business activities abroad

##### For the private sector

- Using existing tools for the application of the land tenure guidelines, such as the Analytical Framework for Land-based Investments in African agriculture

### Imprint

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