

## THE GLOBAL CAMPAIGN FOR AGRARIAN REFORM LAND RESEARCH ACTION NETWORK

*FIAN International \* Focus on the Global South \* La Via Campesina  
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### A Comparison Between FAO Guidelines for the Responsible Governance of Land and Natural Resources Tenure and Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources.

	FAO Voluntary Guidelines on Land and NR (VG)	Principles for Responsible Agricultural Investment (RAI)	Notes and comparisons
<b>Background of the Initiative</b>	<p>Initiated at the International Conference on Agrarian Reform and Rural Development (ICARRD) 2006.</p> <p>Final declaration, adopted by 92 FAO member states, reaffirmed:</p> <ul style="list-style-type: none"> <li>• the fundamental importance of wider, secure and sustainable access to land, water and other natural resources and of agrarian reform for the eradication of hunger and poverty;</li> <li>• economic, social and cultural rights, in particular of women, marginalised and vulnerable groups are essential considerations in</li> </ul>	<p>Various institutions called for guidelines, codes of conduct or principles to govern investments in recognition that :</p> <ul style="list-style-type: none"> <li>• foreign direct investment in agriculture, and particularly in land, has recently surged. large investments in land can have negative effects on political stability, social cohesion, human rights, sustainable food production, household food security or environmental protection for the receiving country.</li> </ul> <p>The “Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources” have been promoted since January 2010 by the World Bank (WB), the</p>	<p>VG build on the ICARRD process and the Voluntary Guidelines on the Right to Food, two of the most innovative initiatives developed by FAO in the last years.</p> <p>VG put the groups most affected by hunger - namely landless and land-scarce people such as rural women, peasants, indigenous peoples, pastoralists and fisherfolks- at the very core of public policies.</p> <p>RAI are a response to public concerns about the phenomena</p>

	<p>dealing with land and natural resources issues.</p> <p>Precedent: Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security</p>	<p>International Fund for Agricultural Development (IFAD), the United Nations Conference on Trade and Development (UNCTAD) and the Food and Agriculture Organisation (FAO).</p> <p>Precedents: corporate social responsibility frameworks such as the Equator Principles, the Extractive Industry Transparency Initiative (EITI), Santiago Principles, OECD Guidelines for Multinational Enterprises, etc.</p>	<p>large-scale investments in land. They are not conceived as public policy on agricultural investment nor as state regulation of private agricultural investment. They represent advice to host governments and private sector investors, who are expected to be self-regulating.</p>
<p><b>Nature of the Instrument</b></p>	<p>VG will set out principles and internationally accepted standards to provide practical guidance to states, civil society and private sector on responsible governance of tenure.</p> <p>The guidelines will constitute a framework for policies, legislation and programmes on tenure to land and natural resources.</p> <p>Being voluntary, the guidelines will not establish new legally binding obligations nor replace existing national or international laws, treaties or agreements.</p> <p>The guidelines aim to provide interpretation and guidance on how to implement existing international human rights obligations at national, sub-national and local levels.</p>	<p>RAI will provide a framework to which national regulations, international investment agreements, global corporate social responsibility initiatives and individual contracts might refer.</p> <p>They are intended to provide guidance for host countries towards the preparation of strong domestic legislation and equitable contracts, and for investors towards carrying out socially responsible investment.</p>	<p>Although both instruments are “voluntary”, there is one main difference: VG will explicitly refer to existing binding international human rights obligations related to land and natural resources, and will provide interpretation about how to implement these obligations through policy, law and regulation. There is no such an authoritative international interpretation so far.</p> <p>RAI do not include any reference to international human rights law and rather build on corporate social responsibility frameworks</p>

<p><b>Core Content and Scope</b></p>	<p>Specific content is currently being formulated in an international consultative and participatory process. In general, however, the content covers the governance of tenure to land and natural resources, i.e., who decides what resources can be used by whom and under what conditions.</p> <p>Reports of ongoing regional consultation meetings can be accessed online.</p>	<p>RAI elaborates seven principles:</p> <ol style="list-style-type: none"> <li>1. Land and Resource Rights: Existing rights to land and natural resources are recognized and respected.</li> <li>2. Food Security: Investments do not jeopardize food security, but rather strengthen it.</li> <li>3. Transparency, Good Governance and Enabling Environment: Processes for accessing land and making associated investments are transparent, monitored, and ensure accountability.</li> <li>4. Consultation and Participation: Those materially affected are consulted and agreements from consultations are recorded and enforced.</li> <li>5. Economic viability and responsible agro-enterprise investing: Projects are viable in every sense, respect the rule of law, reflect industry best practice, and result in durable shared value.</li> <li>6. Social Sustainability: Investments generate desirable social and distributional impacts and do not increase vulnerability.</li> <li>7. Environmental Sustainability: Environmental impacts are quantified and measures taken to encourage sustainable resource use, while minimizing and mitigating them negative impact.</li> </ol>	<p>Although the content of the VG is still under formulation, we can already foresee some important clarifications that need to be made. For example, whether standards for governance of tenure can be set meaningfully without addressing at the same time standards for governance of management and ownership.</p> <p>Principles for agricultural investment should refer to the VG as the internationally accepted standard for all investment matters pertaining to land and natural resources.</p>
<p><b>Institutional Hosts and Modality of</b></p>	<p>VG are being developed by FAO - the UN agency in charge of normative issues related to food and agriculture.</p>	<p>So far, the principles have been discussed in round tables convened by the government of Japan and the USA, and are being presented</p>	<p>VG will be drafted and negotiated in an intergovernmental process hosted by the newly reformed</p>

<p><b>Negotiation and Adoption</b></p>	<p>During 2008 and 2009 FAO carried out expert meetings, and regional and constituency specific consultations.</p> <p>Inputs from civil society consultation forums around the world will be presented to the next session of the Committee on World Food Security (CFS) in October 2010. This session will decide how the guidelines will be drafted and adopted.</p>	<p>nationally for discussion in some countries.</p> <p>The principles were drafted by officials of the four agencies. An internet-based Knowledge Platform was created by the four agencies to allow for further discussion and sharing of relevant good practices.</p> <p>RAI will also be discussed in the October 2010 session of the CFS. It is possible that they may be merged into a set of voluntary guidelines.</p>	<p>CFS. The UN principle of one-country-one vote and the formal participation of civil society organisations makes this the most democratic institutional setting for decision-making on international agreements at present.</p> <p>RAI started as an agency-led initiative without participation of governments and not clearly anchored in a multilateral-institutional setting. This might change if RAI is to be adopted as a CFS initiative.</p>
<p><b>Participation of Civil Society</b></p>	<p>FAO has started an inclusive and participatory process including different civil society actors, constituencies and social movements. Special efforts have been made to facilitate the participation of the groups most affected by landlessness and tenure insecurity.</p> <p>FAO applied the “Principles of Engagement” with civil society constituency groups in global policy forums (para. 22 of CFS: 2008/6).</p>	<p>NGOs, and mixed coalitions of civil society organizations and international agencies such as the International Land Coalition have participated in the round tables.</p>	<p>FAO has a precedent for engaging with civil society and constituency based actors and organisations ICARRD and the Voluntary Guidelines on the Right to Food.</p> <p>RAI do not follow any standard in terms of participation by affected communities and civil society in host countries.</p> <p>Peoples organizations representing small scale food producers have not been involved in the RAI discussions.</p>
<p><b>Status of Preparation</b></p>	<p>The draft guidelines are likely to be submitted for approval at the next session of the CFS in 2011.</p>	<p>Not clear when the RAI will be considered or adopted. But it is being presented in some national fora already.</p>	

