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HLPE Project Team on Land Tenure and International Investments in Agriculture

The CFS, at its 36th session (October 2010) has requested the HLPE to undertake studies and present policy recommendations on a wide range of outstanding issues for the world's food and nutrition security, including land tenure and international investments in agriculture, price volatility, social protection and climate change.

In December 2010, the HLPE StC met with the CFS Bureau and it was further decided that the two studies on Price volatility and on Land tenure and international investments in agriculture will be carried out by the HLPE in 2011 with findings to be presented at CFS 37 in October 2011. The two studies on Social protection and on Climate change will be subject of intermediate progress reporting by the HLPE at CFS 37, and the final reports will be presented at CFS 38 in October 2012.

As per the HLPE procedures, the preparation of draft reports will be undertaken by HLPE Project Teams, under the responsibility of Team Leaders and under the oversight of the HLPE Steering Committee.

The Steering Committee of the HLPE is pleased to announce that the following experts have been appointed as part of the Project Team on Land Tenure and International Investments in Agriculture:

Camilla Toulmin (Team Leader, UK)
Prem Bindraban (Netherlands)
Jun Saturnino Borrás (Philippines)
Esther Mwangi (Kenya)
Sergio Sauer (Brazil)

Short bios of the Project Team members are attached, as well as the terms of reference of the Project Team finalized by the Steering Committee following the results of the electronic consultation held from 24 January to 10 February 2011 (complete proceedings of the consultation are available here <http://km.fao.org/fsn/discussions/land-tenure>).

Next steps

The Project Team will elaborate a first version (V0) of its work for early May 2011, which will be submitted to further expert input through the organization of an electronic consultation through the FSN Forum, to which experts will be openly invited to contribute. The Project Team will then finalize its draft report (V1) for early June 2011, date to which it will be submitted to external expert review. According to the provisions of the Rules and Procedures for the work of the HLPE (article 32), prior to their publication, the final reports are to be approved by the HLPE Steering Committee. This is scheduled to take place in July 2011 at the 3rd meeting of the HLPE Steering Committee.

On behalf of the Steering Committee of the HLPE, the HLPE Secretariat.



High Level Panel of Experts on Food Security and Nutrition (HLPE)

HLPE Project Team on Land Tenure and International Agricultural Investments

Appointed by the HLPE Steering Committee (Updated 11 April 2011)

Camilla Toulmin (Project Team Leader)



Camilla Toulmin is Director of the International Institute for Environment and Development based in London. (IIED). An economist by training, she has worked mainly in Africa on agriculture, land, climate and livelihoods. This has combined field research, policy analysis and advocacy. Her work has aimed at understanding how environmental, economic and political change impact on people's lives, and how policy reform can bring real change on the ground. This has combined field research, policy analysis, capacity building and advocacy. It has involved engaging with people at many different levels from farmers and researchers, to national governments, NGOs, donor agencies and international bodies. As Director of IIED since 2004, Camilla has focused on developing the institute's strategy and communications. The institute has grown under her

leadership from £5m turnover per year in 2005 to more than £20m in 2010-11. IIED's new strategy 2009-14 focuses on four principal goals that bring together the diverse areas of work on climate change, human settlements, natural resources, and sustainable markets. Camilla studied Economics at Cambridge and London, before gaining her doctorate in Economics at Oxford. Camilla is fluent in English and French. She is trustee of ICARDA (Syria), the Franco-British Council and a number of other boards. Her latest book is *Climate change in Africa* (Zed Books, 2009).

Prem Bindraban



Dr.Ir. Prem S. Bindraban MBA is director of ISRIC World Soil Information (www.isric.org) and leader of international research in Agro-production systems at Plant Research International, both at Wageningen UR, The Netherlands. He has initiated the course on "Global Food Security" at Wageningen UR and acts as guest lecturer in this and other courses. He is also a lecturer in crop modelling at the University of São Paulo, Brazil. He has worked at several international research institutions, including IRRI (Philippines) and CIMMYT (Mexico) and is engaged in research projects for the World Bank, FAO, IWMI, UN and many other research and development organisations. He is further involved in the identification of research strategies for development, such as the report on "Science and Technology Strategies for improving Agricultural Productivity and Food Security in Africa" at the request of the former SG of the UN Kofi Annan.

Over the years he has actively participated in food, feed, fuel debates and leads research about the agricultural development strategies and sustainable use of natural resources for various ministries in the Netherlands, and is member of a committee to advise the Netherlands government on biofuels. He has initiated intensive collaboration with Brazilian institutions. He pursues analyses of these global matters by making more effective use of the high quality global soil databases of ISRIC.

Jun Borras



Saturnino ('Jun') M. Borras Jr. is an Associate Professor at the International Institute of Social Studies (ISS) in The Hague, Adjunct Professor in China Agricultural University in Beijing, Fellow of the Transnational Institute (TNI) and Food First/Institute for Food and Development Policy. He has been involved in agrarian social movements since the early 1980s. His research works are grounded on political economy and political sociology, and include themes on: land politics and policies, agrarian movements, food politics, state-society interactions in rural development, biofuels and land grabbing – internationally, but with area interests in Southeast Asia, China, Southern Africa and Southern America, and international institutional spaces of state-society interactions. He has published 10 books, four journal special issues and several academic journal articles on these themes. He coordinates the Initiatives in Critical Agrarian Studies (ICAS, <http://www.iss.nl/icas>) and is a co-coordinator of the Land Deal Politics Initiative (LDPI, <http://www.iss.nl/ldpi>). He is the Editor-in-Chief of *The Journal of Peasant Studies*.

Esther Mwangi



Esther Mwangi is a Scientist in the Forests and Governance Program of the Center for International Forestry Research (www.cifor.cgiar.org). Her areas of research interest include the dynamics of property rights to land and natural resources, multi-level linkages in resource governance, gender, policy implementation, and strategies for linking knowledge to action. Esther's current research portfolio includes research on the impacts of biofuels expansion, especially on the factors that determine the effectiveness of community and civil society organizing in response to large-scale land acquisitions. She is also researching the factors that enhance or impede women (and men's) management and decision-making in forestry at multiple levels of governance. Her final project is concerned with understanding the interface between land and forest tenure and land use planning, and how cross-level coordination might be strengthened to improve community participation. Her work is mainly in East Africa, Indonesia and Nicaragua. Esther is a citizen of Kenya and has a Bachelor in Education (Botany, Zoology) from Kenyatta University, Master of Philosophy (Environmental Studies) from Moi University and PhD (Public Policy) from Indiana University, Bloomington.

Sergio Sauer



Sérgio Sauer is professor at the University of Brasilia (Faculty of Planaltina – UnB), researcher in the Center for Agrarian Studies (NEAGRI/UnB) and in the Postgraduate Program in Agribusiness (Propaga/UnB), national rapporteur for Human Rights in Land, Territory and Food (Platform DhESCA Brazil), and fellow of the Terra de Direitos. His research works are grounded on political sociology, and include themes on struggle for land and territories, social agrarian movements and rural communities' struggles, governmental land policies and land deals, rural development and expansion of agrofuels (especially sugarcane ethanol), rights to food and food sovereignty in Brazil. Doctor in Sociology and master in Philosophy, Sauer has been involved with Brazilian agrarian movements since late 1980s and

worked as a political adviser at the Senate for 10 years. He has published several academic articles and books on agroecology (like a book about “Agroecologia e os desafios da transição agroecológica”, in 2009), agrarian issues and land struggle (like a book about “Terra e modernidade: a reinvenção do campo brasileiro”, in 2010), and land and territory (like a book about “Terras e territórios na Amazônia: demandas, desafios e perspectivas”, in 2011).

HLPE STUDY ON LAND TENURE AND INTERNATIONAL INVESTMENTS IN AGRICULTURE

Terms of reference of the HLPE Project Team

In October 2010 the newly reformed Committee on World Food Security (CFS) requested its High Level Panel of Experts on Food Security and Nutrition (HLPE) to conduct a study on land tenure and international investments in agriculture and to present the findings at its next session in October 2011.

The study of the HLPE is bound by the mandate received from the CFS in October 2010, and its purpose is therefore to undertake analysis and formulate policy recommendations in the following three areas:

- (i) the respective roles of large-scale plantations and of small-scale farming, including economic, social, gender and environmental impacts;*
- (ii) review of the existing tools allowing the mapping of available land;*
- (iii) comparative analysis of tools to align large scale investments with country food security strategies*

The preparation of the draft report will be undertaken by an HLPE Project Team, under the responsibility of a Team Leader and under the oversight of the Steering Committee, following the rules and procedures of the HLPE.

The HLPE Steering Committee has appointed the following experts to be part of the Project Team: Camilla Toulmin (UK, Team leader), Prem Bindraban (Netherlands), Jun Saturnino Borrás (Philippines), Esther Mwangi (Kenya), and Sergio Sauer (Brazil).

The Steering Committee's oversight on the Project Team is led by Pr. Rudy Rabbinge, in coordination with the following Steering Committee members: Maryam Rahmanian, Vice-Chair of the HLPE StC, Derek Byerlee, Huajung Tang and Mona Mehrez Aly.

Following an open electronic consultation process, the HLPE Steering Committee has finalized the following terms of reference of the Project Team's work and scope of its draft report.

Introduction

There are many drivers of the increased interest in investing in land and agriculture over the past several years. The global increase in demand for food, due to population increase and more importantly diet change will affect the need for land and other resources. During the last century the increase in agricultural production has been mainly achieved through increased productivity per ha and for less than 30% through expansion of agricultural areas. Future necessary increase in agricultural production will however require to produce "more with less" but also an expansion of agricultural areas.

Sustainable intensification needs to bridge the yield gap between potential and attainable yields and the gap between present and attainable yields. Future food needs may also consider the waste in food, as well as the impacts of changing diets, such as obesity.

The expansion of agricultural land is a reality in many places around the world. Not only food and feed production but also the increase of the bio-based economy and in various places the government policy-driven production of bio-fuel (first and second generation) require substantial increase of land and other resources for agricultural activities. The way that it is done may depend

on the context where it takes place: differences between continents and countries are very large and the role of governments may vary considerably. Food and feed needs of countries with relatively low availability of agricultural land, for example China (with less than 10% of world's land and 20% of world's population) could require investments and development of agricultural land use in other countries. Investments of land in other continents such as Africa and Latin America are already taking place.

Other drivers of the increased investments in land and agriculture include – but may not be limited to – speculation in land and the volatility of commodity prices which has prompted many food-importing countries to seek to replace the purchasing of food on global markets with securing agricultural land in other countries.

While the foreseen future magnitude of foreign contracting in third parties' lands and agricultural sectors is still uncertain and needs to be assessed, the current trend has raised considerable public attention, political debate and controversies. Calls were made for everything from a moratorium on "land-grabbing" to the regulation of "large-scale land acquisitions" through responsible investment principles and codes of conduct to make investments in land profitable for local development and performance of local agriculture, be it small or large scale farmers.

Governments stand at this crossroads where on the one hand, as many studies and analysis demonstrate, appropriate investments, efficient and effective use of natural resources and land may have both economic and ecological advantages under certain conditions but where, on the other hand, there are also typical examples of land grabbing with very negative effects for sustainable development, including social effects on small scale farmers, ecological effects such as decreased efficiency and effectiveness of the use of natural resources and the mining of soils.

In the study, various elements will be considered in an analysis and diagnosis to pave the way for recommendations.

The report shall take into account the very wide variety of models of agricultural production and marketing, and to address the diversity of social, economic, political and environmental contexts, not restricting the analysis to large scale agricultural investments, but trying to assess what kind of investments are needed to achieve development objectives, giving particular attention to poor farmers, women, indigenous peoples, pastoralists, forest-dwellers, and other marginalized groups etc.

In its work, the HLPE Project Team is invited to take into account the proceedings of the electronic consultation conducted by the Steering Committee through the FSN forum between 24 January and 10 February 2011.

Proposed scope of the HLPE study on land tenure and international investments

1. Framing the drivers of the revived interest in investments in land and agriculture

a - Explorative land use options at various scales: global, continental, regional.

- How can objectives, economical, social, ecological, best be fulfilled within the technical and biological constraints? What explorative studies are available or should be done to address this issue?
- Investigation and analysis of the dominating aspects of land use on water and natural resources. How do land use and use of external inputs and water interrelate and what perspectives may be envisaged?

b - Role of food security strategies at country and at regional levels

- Explicit policies oriented to accessibility to food
- Role of economic blocks such as European Union, African Union
- Investment policies/principles
- Price volatility of commodities

c - Role of the private sector in land use

- Feed and food producers
- Bio energy producers
- Finance sector
- Speculation in land

d - Underlying forces explaining the surge in acquisition

2. **Existing use and trends of land, natural resources and their tenure**

a – Mapping of available and used land

- What are the definitions of “idle”, “waste”, “available” or “reserve” land, as well as land that is not in “agricultural use”?
- What are the existing mapping tools including technical instruments and what do they map (what definitions of idle, etc. land do they use)? How do they take into account customary tenure systems and collective rights systems that are not titled?
- Perspectives for land use and sustainable development as a result of investment in agriculture by countries (national, foreign) or corporations (national, foreign).
- Use and overuse of land, unsustainable development due to wealth or due to poverty
- What regional differences in potential self sufficiency?

b – Land tenure issues and trends

- Trends in land tenure patterns and rising conflicts over land
- Identification of the tenure status of land subject to, or targeted by acquisitions. How important is the part of available lands under claims of collective rights or under customary use? Are there gender implications?
- Legal forms of acquisitions under consideration.

c- Relations between land tenure systems and international investments in land

3. **Role and effects of scale (larger scale plantations or small scale farming)**

- What is meant by “large-scale plantations” and “small-scale farming”? Specifically, where does contract farming and integrating small farmers into global markets fit? How does production model, land size and land tenure relate both models?
- Under each of these models of production, what crops are produced and for what markets? Who among the various actors benefits from the added value generated in field production and the various stages of processing?

- What are the trends in investment in large-scale plantations and in small-scale farming? Who are the investors under each model? What are the respective drivers of investment? What rates of return are expected?
- What are the economic, social, gender and environmental impacts of each of these models? e.g. on rights, gender, access to land, conflicts and political unrest, employment, migration, biodiversity, nutrition, etc.

4. Mapping of instruments (technical, political, corporate) that influence land use and of their use at different aggregation levels.

inter alia, and considering underlying drivers or indirect factors that influence investments patterns:

Land policies, property rights, land lease, use of external inputs

Instruments related to the Right to Food

RAI Principles

Human rights instruments, “Minimum human rights principles applicable to large-scale land acquisitions or leases” suggested by the UN Special Rapporteur on the Right to Food

Draft Voluntary Guidelines on Responsible Governance of Land and Natural Resources

Final Declaration of the International Conference on Agrarian Reform and Rural Development

United Nations Declaration on the Rights of Indigenous Peoples

International standards on the right to housing and prevention of forced evictions

Tools related to Corporate Social Responsibility

Taxation tools and policies

Direct and indirect Subsidies

5. Expected Recommendations, *inter alia*

- What policies are possible and which instruments can be applied to align large scale investments with country food security strategies?
- How do they account for scale?
- What are the necessary conditions for making each of these models (small scale and large scale) a success (e.g. policy environment, tax system, direct and indirect subsidies, etc.)?
- What evidence exists to show that win-win scenarios are possible i.e. that both development and profit objectives can be achieved at optimum levels? What type of investments in what agricultural systems will work best where?
- How to break unsustainability trends?
- Recommendations for research and development?
- ... etc