Policy Shift:

Investing in Agricultural Alternatives

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The **Hands off the Land** project aims to raise awareness about land grabbing amongst the European public, politicians, policy makers, students and professionals. The project presents case documentation, fact sheets and thematic studies of transnational land grabs in Mali, Mozambique, Zambia, Colombia and Cambodia.

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HANDS OFF THE LAND
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Introduction: “Business as usual is not an option”[1]

This was the conclusion reached by over four hundred of the world’s leading experts following a three year global consultative process on the past, present, and future agriculture. Reflecting on the current state of the art, the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) - as the inter-governmental, multi-stakeholder scientific body is known - argues that a paradigm shift in favour of agro-ecological, multi-functional, and resilient agriculture is urgently needed to deal with the food and climate crises.

Yet this recommendation to invest in agricultural alternatives has remained largely unheeded. It no doubt represents an ‘inconvenient truth for the agricultural establishment’[2] who have sought to eclipse this message through counter-narratives which present capital intensive, large-scale, export-oriented, mono-cropping agriculture as the most productive and therefore most rational way to feed the world. This explains why solutions from agribusiness to the global food crisis have centred on the expansion of large-scale land deals, contract farming, and other forms of value chain and corporate controlled agriculture.

This policy brief takes seriously the call for a paradigm shift in favour of investment in agricultural alternatives by identifying a set of ten key policy changes that are required to support and promote these positive alternative investments. The approach adopted is both a normative one informed by prevailing human rights norms and an empirical one informed by practical, on-the-ground examples of positive agricultural investments. In order to set the framework for such an analysis, four premises or starting points are outlined at the beginning. The brief ends with a discussion as to how these recommendations can feed into existing policy initiatives and regulatory tendencies around agricultural investment, most notably the ongoing discussion on responsible agricultural investment (rai) at the Committee on World Food Security.[3]

Starting points: what does a positive alternative investment look like?

Initiating the kind of paradigm shift called for by the IAASTD involves not opposing investment in agriculture but reshaping it. There is a need to steer the debate on agricultural investment by grounding it within a clear set of foundational principles. While free-market economics provides one set of principles, its prescriptions have consistently been biased against poor, food insecure groups like small-scale farmers, pastoralists, landless, women, and indigenous groups. This section identifies four starting points that define what is meant by a positive alternative investment in order to help structure the policy proposals that follow.

1 Reclaiming the concept of investment

In much of the mainstream discourse, investment is understood in exclusively economic terms as the mobilisation of financial capital in order to generate a profit/return. Investment in agriculture is however about much more than this. Investment is about the commitment of multiple resources (including natural, human, social, cultural, physical and financial) that serve multiple purposes from e.g. building up soil fertility, sustaining cultural practices and rituals, or generating opportunities for the next generation of rural youth.

These kinds of investments are however not captured when a strict capital accumulation lens is adopted and profit making is all that counts. This is indeed emblematic of a wider analytical blind spot in which certain types of investments, particularly those associated with peasant agriculture, are simply not accounted for. Making visible the diversity of farming styles and in particular the pluri-activity and multi-functionality that define the political economy of peasant agriculture is therefore essential. In this exercise, the supremacy of the profit motive as the defining feature of investment must be challenged.

It is therefore necessary – at a very elemental level – to reclaim the concept of investment. Investments which ignore the imperatives for social reproduction and which are subsidized by vast ecological debts cannot be considered sustainable. Positive agricultural investments are those investments that build rural futures based on economically viable, ecologically sound, and culturally appropriate farming practices.

2 Positive investments are rooted in the human rights framework, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, ILO conventions, the United Nations Declaration on the Rights of Indigenous Peoples.

A human rights based approach to investment in agriculture offers a fundamentally different anchoring than that provided by free market economics. Starting from the premise that all persons have a right to sufficient, affordable, and nutritionally adequate and safe food, as affirmed under Article 11 of the International Covenant on Economic, Social and Cultural Rights, it confers upon states the obligation to respect, protect, and fulfil the Right to Food.[4] This pertains not just to citizens within a state's national territory. As elaborated by the Maastricht Principles,[5] states also have extra-territorial obligations to ensure that they do not undermine the Right to Food of other populations. This includes the obligation to regulate the overseas activities of private companies falling under their jurisdiction. The implications of this for agricultural investment are profound.

States' obligations to *respect* and *protect* define baselines for investments. Public and private investment should under no circumstances deprive people from existing access to food. The obligation to *fulfil* touches on a whole range of issues related to agricultural investment. It calls on states to abstain from any activities which threaten people's access to food and to take active steps, using all available resources, to ensure the full realization of the Right to Food.

Human rights should not be considered an obstacle to trade and investment. Rather, they should serve as an encouragement to those positive investments that contribute to the progressive realization of the Right to Food and the Right to Water and uphold all human rights norms.

3 Prioritise investments by and for small-scale food producers.

As affirmed by the FAO's 2012 State of Food and Agriculture report, farmers – the majority of whom are smallholders - are responsible for the bulk of agricultural investment and produce most of the food consumed in developing countries.[6] Yet they are also among the most poor and food insecure groups: 70 percent of the world's very poor people are rural and dependent – to varying degrees – on agriculture for their livelihoods.[7]

In this context, it is not enough for investment simply to 'promote' or generate co-benefits for small-scale producers. Small-scale food producers and workers, including sharecroppers, tenant farmers, agricultural workers, cooperatives, pastoralists, smallholder farmers, fisher-folk, landless populations and indigenous communities, cannot be treated as relative equals amongst other categories of investors. They must be explicitly prioritised in investment frameworks and decision-making processes. A number of studies, including the 2013 report by the CFS High Level Panel of Experts,[8] have offered recommendations as to how the investments made by small-scale food producers can be supported, in particular through public policies and public investments in land, agriculture, and rural livelihoods.

4 Land and resource grabbing is to be stopped and rolled back.

Positive investments must guard against land and resource grabbing. This is not always clear cut: what may be regarded by one as a productive investment can be considered an illegitimate grab by another. Policy documents such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (Tenure Guidelines or TGs) offer one tool through which to navigate this distinction and to safeguard legitimate tenure rights.[9]

Key to stopping and rolling back land and resource grabbing are investments which are rooted in the principles of food sovereignty and land sovereignty. That is, they must guarantee the right of people to define their own agriculturural and food policies and ensure that control over land, water, and other natural and productive resources are in the hands of the people that actually work on, care for, and live on the land.[10]

In sum, the above three starting points represent baselines for defining what is meant by a positive alternative investment. Positive alternative investments are those investments which:

1. are rooted in the human rights framework
2. are based on a holistic concept of investment
3. prioritise investments by and for small-scale food producers
4. stop and rollback land and resource grabbing

The following section identifies ten key policy shifts which are required to realise such positive alternative investments.

Policy shifts: ten key policy proposals for promoting positive alternative investments[11]

1 The Right to Food and the Right to Water must be taken up within national laws and legislation. States must develop action plans in which they set out a vision for the progressive realisation of the Right to Food and the Right to Water. Policy coherence must be ensured by undertaking prior Right to Food and Right to Water impact assessments on the potential effects of relevant policies, programmes, projects, and investments. Home States of investors investing abroad also have extra-territorial obligations to ensure that these investments do not violate or undermine the Right to Food and the Right to Water of local populations.

2 (Re)distributive land reforms are one of the key policy tools States can use to secure equitable access to land and natural resources and to support rural livelihoods, combat rural poverty, and foster inclusive rural development.

Zimbabwe's Fast Track Land Reform and 'accumulation from below'

Zimbabwe's Fast Track Land Reform programme has radically transformed the country's agrarian structure from one where over half of the agricultural land was controlled by large-scale, commercial producers to one where small-scale, mixed farming now predominates.[12] Using their own savings, skills and resources, the land reform beneficiaries are making productive investments on the new settlements. These investments – in land clearance, homesteads, irrigation, farm equipment, cattle, garden fencing etc. - significantly increase the value and productive potential of the land.[13] This form of 'accumulation from below' is a testament to the entrepreneurial drive of Zimbabwe's smallholder farmers and stands in contrast to those that argue that 'accumulation from above', i.e. the kinds of capital intensive investments associated with large-scale agriculture, is the only viable means to develop and modernise agriculture.[14]

3 States should recognize, protect, and safeguard all legitimate tenure rights, including those currently not protected by law and particularly those of the most vulnerable and marginalized.

Positive investments must ensure that land and other natural resources are safeguarded for the next generation of rural youth. Large-scale land acquisitions and leases that enclose and appropriate land, water, fisheries, and forests often for generations to come cannot therefore be considered sustainable. National policies must be evaluated in light of, and brought in line with, the Tenure Guidelines. An important first step is for States to set up multi-stakeholder platforms, including civil society, at local, national, and regional levels, to monitor and evaluate the implementation of the Tenure Guidelines.

4 States must develop specific policies, legal instruments, and supporting mechanisms to prevent the erosion of genetic resources for food and agriculture and protect traditional knowledge and exchange systems.

The integrity of small-scale food producers relies on their ability to nurture native seeds, fisheries, plant varieties, and animal breeds. All forms of patenting and other measures that restrict the rights of farmers to freely access, use, and exchange native seeds, varieties, and breeds must be prohibited.

Indigenous seed networks in Europe

Throughout Europe, indigenous seed networks bring together family farmers, collectives, farmers' movements, researchers, agronomists, and NGOs that exchange locally adapted seeds. One of the iconic examples is that of the cooperative *La Verde*, in Villamartin, Spain. Founded in 1987, the cooperative has pioneered organic agriculture in Southern Andalucia based on the reproduction of locally adapted seeds.[15] Encompassing six families working on 14 hectares of land, it has now grown to become the largest bank of farm-saved seeds in the country. Following the principles of agro-ecology, *La Verde* adopts a holistic approach to the on-farm selection, storage and multiplication of seeds. Through its involvement in different forms of farmer-to-farmer exchange, participatory breeding, and experimental programmes, as well as its integration into the Spanish seed network, *Red de Semillas*, *La Verde* ensures the free flow of genetic materials.[16] Local food retailers and consumers are also mobilised in this network as *La Verde*'s cooperative members supply their horticultural produce to local organic shops, markets, and consumer groups. Last but not least, *La Verde* functions as a 'knowledge hub', acting as a training centre for young researchers and producers, hosting visitors, organizing workshops, and arranging participatory trials on the selection and management of farmers' seeds.[17]

5 Instead of massive subsidies going towards industrial agriculture, public policies and investments should focus on supporting agroecology and forms of low-external input agriculture that are practiced by millions of small-scale food producers around the world.

Positive investments in agriculture are based on environmentally sustainable forms of agriculture which preserve and increase soil fertility, protect biodiversity, use water resources within sustainable limits, and contribute to the reduction and mitigation of climate change.

The *campesino-a-campesino* agroecology movement

The *campesino-a-campesino* agroecology movement (MACAC) originated in Cuba where small farmers were at the forefront of Cuba's transition from a form of high-input, export-oriented, industrial agriculture towards agroecological farming. Based on local techniques and practices - such as the use of organic fertilizers, biological forms of pest control, and animal traction – Cuba's agroecological revolution spread through farmer-to-farmer exchanges that saw peasant families with proven success in particular agroecological farming methods linking up with other peasant families in the country through organized farmer-to-farmer exchanges and demonstrations.[18] MACAC's decentralized, non-hierarchical process of knowledge diffusion and innovation has been so successful that it is now increasingly being consolidated as a global movement for social change by the world-wide peasant movement, *La Via Campesina*.[19] It is also being supported in numerous government programmes throughout the world. The government of Malawi for example is considering introducing a 'subsidy to sustainability' whereby fertilizer subsidies will be linked to investments in agro-forestry (the integration of trees that replenish soil fertility and improve soil health into farming systems).[20] This would not only ease the investment constraints faced by small-scale farmers, it would also offer the Malawian government a possible exit strategy from fertilizer subsidies altogether as agro-forestry systems provide the basis for sustainable soil management.

6 Public policies can help strengthen local food systems as well as open up 'new markets' for small-scale food producers that offer stable and remunerative prices through for example public procurement. Positive investments build up and support the creation of resilient, local food systems. These rely on short producer-to-consumer networks and cut out the intermediaries that often appropriate a large-share of the value-added, thereby delivering greater returns to the farmer. They can also cut across rural and urban spaces, bring farming to the city, help farmers by allowing consumers to share in the risks of agricultural production, and offer local communities healthy, nutritious food baskets.

Creating new markets: Brazil's Food Security Programme

The Brazilian state has also been adept at using public policy tools to open up new market spaces for poor, small-scale producers through its School Meals Programme and the Government Food Procurement Programme (PAA). Under the School Meals programme, each Brazilian municipality receives a daily subsidy for each student enrolled for 200 days a year with the requirement that 70% of the municipalities' procurements should be staple, non-processed foods and 30% of the food purchased coming from local family farms.[21] The PAA programme meanwhile involves the public procurement of food, either by the state or by institutions such as schools, hospitals and restaurants, produced by small-scale farmers grouped together in associations and registered with the National Supply Company. This is set to benefit over 300 000 poor family famers - about 10% of the total number of family farmers in Brazil.[22]

7 The State must play a key role in regulating contracting arrangements.

There is currently a growing trend towards investment in so-called 'inclusive business models' such as contract farming schemes or public-private partnerships. The limits and risks of these models should however be recognised. States are responsible for setting in place proper regulatory regimes that ensure that workers and contract farmers have rights to collective bargaining, a living wage, a safe working environment, appropriate working hours, etc. It is essential that smallholders' organizations such as cooperatives receive adequate support so as to strengthen their bargaining position, not only in terms of negotiating price and quality, but also for the improvement of access to assets such as infrastructure, machinery, inputs, finance and technology. Contracts must be subject to periodic independent review and assessment.

Kuapa Kokoo and the power of cooperatives

Kuapa Kokoo is a farmer owned cooperative in Ghana, made up of about 68,000 cocoa farmers.[23] Kuapa Kokoo established Kuapa Kokoo Ltd, a licensed cocoa trading and marketing company, which buys cocoa from farmers to sell to the Cocoa Marketing Board, a subsidiary of Ghana Cocoa Board. Kuapa Kokoo Ltd follows the cooperative structure. It is wholly owned by the Kuapa Kokoo Farmers Union in which the cocoa farmers themselves have the biggest say and influence over management decisions. Kuapa Kokoo Ltd is also registered as a fair trade company. This means that the Kuapa Kokoo Farmers Union receives both a guaranteed minimum price of $1,600 per tonne of cocoa beans and a social premium set at $150 per tonne.[24] The Kuapa Kokoo Farmers Trust manages the price premiums paid for fair trade cocoa and channels them into community development projects. It has, amongst other things, invested in the construction of water wells, schools, medical facilities, and projects supporting income generating activities for women.[25]
In recent years, investment has also gone into funding Kuapa Kokoo's Research and Development department, which engages in farmer education and training and the strengthening of the membership, governance and democratic structure of the cooperative – all critical factors for the long term sustainability of the enterprise.[26] While Kuapa Kokoo may be more the exception than the rule, it does show the power of the cooperative structure which has allowed Kuapa Kokoo to enjoy much greater bargaining power than had the cocoa farmers been atomised as individual producers. It has also benefitted greatly from its shareholding partners who have provided it with funding and access to markets.

8 Public investments can play an important role in creating an enabling environment for smallholders to invest

for example through the provision of public goods (safe drinking water, sanitation, education, electricity, communications and transport infrastructure etc.). They can also help strengthen the resilience of rural communities through social protections such as cash transfers, retirement schemes, insurances, and other social security systems. Positive investments build on the synergies between public investment in land, agriculture, and rural development and the investments made by small-scale food producers.

9 States should intervene in their national markets to stabilise prices when faced with high, volatile, and unpredictable food prices that threaten food security and hinder investment. This can take the form of trade regulations, price guarantees, bans on food price speculation, and the management of public stocks. Public stocks in particular can be an enormously useful tool for improving access to, and distribution of, food. They can reduce volatility in agricultural commodity markets, support more remunerative prices for producers, stimulate agricultural production and investment, avert and respond to food emergencies, provide a market for small-scale producers, and create a reliable source of food for social safety nets.

A lesson from history: Indonesia's Food Price Policy

To ensure access to rice at affordable prices for poor consumers and remunerative prices for producers, Indonesia's Food Logistics Agency 'BULOG' (Badan Urusan Logistik) operated a floor and ceiling price policy. This price band policy rested on four key interrelated policy instruments: i) monopoly control over international trade in rice; ii) public procurement of rice to lift the price on rural markets to the floor price; iii) extensive logistical facilities, including a nationwide complex of warehouses, to accumulate public stocks used to defend a ceiling price in urban markets; iv) public investment in the rice sector, including in irrigation facilities, market infrastructure, new rice technology, subsidised inputs, technical advice, and research.[27] In this price stabilisation programme, public stocks play an integral part, acting as a 'balancing wheel' to smooth over fluctuations in the production and consumption of rice.[28] By most counts, Indonesia's price stabilisation programme can be considered highly successful: "Rice production grew by nearly 150 per cent between 1968 and 1989 and Indonesia, which was routinely the world's largest importer in the mid-1970s – often with one-fifth of the rice supplied internationally– reached self-sufficiency in 1984.... Rural poverty fell from 40 per cent in 1976 to 21 per cent in 1987, followed by a huge improvement in food security; the percentage of people suffering from malnutrition fell from 24 per cent (1979 to 1981) to 13 per cent (1995 to 1997)".[29]

10 The decision-making around investment should be opened up to involve the people who are most affected by them. This not only means recognition for the principle of free, prior, and informed consent and accessible and affordable grievance and appeal mechanisms; small-scale producers and their organisations should be intimately involved in the policy formulation and discussions around investment. Transparency and compliance with the rule of law are necessary but not sufficient conditions for investments to be positive. Only investments that are just, democratic, and which entrench the principles of monitoring and accountability can be considered positive.

Conclusion: towards 'responsible' agricultural investment

Along with the scramble for land and resources, there is also a scramble to define what is a positive (or 'responsible') investment. In the absence of any consensus on what constitutes responsible investment, how it can be monitored, and how it should be enforced, the distinction between a productive 'investment' and an illegitimate 'grab' is not so clear.

This paper has defined positive investments as those investments which:

- are rooted in the human rights framework
- are based on a holistic concept of investment
- prioritise investments by and for small-scale food producers
- stop and rollback land and resource grabbing

These criteria not only define baselines for evaluating investments, they also set a pro-active agenda for states to fulfil the Right to Food through public investments that support the investments made by small-scale food producers.

Amidst the regulatory 'spaghetti bowl' of instruments governing large-scale land deals, three competing political tendencies can be identified. Each of these has different implications for what is considered to be a 'responsible' investment (see Figure 1).

This paper situates 'responsible' investments within the third political tendency. It is this tendency that is most firmly anchored within a human rights approach that explicitly prioritises the needs of the poor, vulnerable, and marginalised in policy discourse. While tendency two can, by shades, be progressive, its failure to ask deeper questions about the development model underpinning its policy stance as well as an over-optimism in the potential of corporate social responsibility, mean that it cannot be relied upon to secure and defend the rights of the rural poor.

Unfortunately, in current practice, it is tendency one – occasionally and with varying degrees supplemented by tendency two – that dominates. In this scenario, too often investment and human rights are set against each other. This can at times appear like an insurmountable obstacle as the overlay of 'hard law' trade and investment agreements confronts the 'soft law' of various guidelines and principles.

However, despite their name, policy instruments such as the 'Voluntary Guidelines on the Right to Food' or the 'Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests' are not in fact so voluntary at all. They are grounded within an existing human rights framework that confers upon states duties and obligations.

Ultimately, no law – hard or soft - is self-implementing or self-regulating. It will always be through real on-the ground struggles and through state-society interaction that rights will be claimed and laws will be implemented. The policy proposals in this paper are given in this spirit.

Figure 1. **Three regulatory tendencies governing investment in land and agriculture**

1. Regulate to facilitate	2.Regulate to mitigate	3.Regulate to stop and roll back
a. Eliminate barriers to large-scale (corporate) investment	**a.** Implement safeguards when it comes to investments that entail the large-scale transfer of tenure rights	**a.** Prioritise investments by and for small-scale food producers
b. Seek investor protections through e.g. bilateral investment treaties (BITs), open and efficient land markets, clean and clear land titles and private property rights	**b.** Public and private 'smallholder sensitive' investment	**b.** Key role for supportive public investments
	c. 'Inclusive' business models, value chains, and public-private partnerships	**c.** Control over land, water, fisheries, forests as well as other productive resources and decision-making power around investment in the hands of rural working peoples

N.B. The above framework is based on: Borras Jr., S. M., J. Franco, et al. (2012). Competing political tendencies in global governance of land grabbing. TNI Agrarian Justice Programme Discussion Paper. Amsterdam, Transnational Institute (TNI).

End Notes

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2 http://civileats.com/wp-content/uploads/2009/08/IAASTD-brief-PANNA.pdf

3 The Committee on World Food Security (CFS) was set up in 1974 as an intergovernmental body to serve as a forum for review and follow up of food security policies. In 2009 the Committee went through a reform process to ensure that the voices of other stakeholders [including representatives from small-scale food producer and worker constituencies] were heard in the global debate on food security and nutrition. For more information see: http://www.fao.org/cfs/en/

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27 Galtier, F. (2013). Managing food price instability in developing countries. A critical analysis of strategies and instruments. Paris, Agence Française de Développement (AFD).

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