



Human Rights in global land acquisitions and agricultural supply chains: Global frameworks and human rights due diligence

CFS 50 side event summary

Wednesday, 12 October 2022 | 8:30 – 9:45 a.m. (CEST) | HYBRID EVENT

Joining both online and in person, over 110 participants attended the CFS side event on 12 October 2022, at which a panel of experts discussed human rights violations in global land acquisitions and agricultural supply chains. Still frequently occurring, these violations have triggered a range of responses by different actors at various levels, including global frameworks such as the CFS-RAI and VGGTs, voluntary private sector initiatives, mandatory human rights due diligence (HRDD) legislation, transparency initiatives, and local resistance supported by advocacy efforts at national, regional, and global levels.

Kicking off the panel, Alfred Brownell, an internationally recognised environmental rights activist and lawyer from Liberia and member of Alliance for Land, Indigenous & Environmental Defenders (ALLIED), described his own experiences in dealing with environmental and human rights violations in the wake of large-scale land acquisitions (LSLAs) for palm oil production in Liberia. He highlighted that while only a few companies were involved in the very substantial land investments, the complex investor networks made it difficult to hold them accountable. However, after some unsuccessful attempts to increase the awareness of the responsible governmental actors, he started to mobilise local communities and explore legal channels, including filing a complaint with the Roundtable on Sustainable Palm Oil (RSPO). Ultimately, this complaint successfully prevented the further encroachment on forests and the harassment of local communities. The next speaker, Esther Penunia, Secretary General of the Asian Farmers' Association for Sustainable Rural Development (AFA), supported Brownell's view on the importance of local resistance, emphasising that action by farmers, fishers, indigenous people, and local communities that lobby at different levels of the government in combination with transparent data are key to improve human and land rights outcomes. Dirk Meyer, Director-General at the Federal Ministry for Economic Cooperation and Development (BMZ) in Germany, added that not only is local advocacy needed, but better regulations in consumer countries as well. He reported considerable progress to regulate supply chains, both at national and EU level, for instance the Act on Corporate Due Diligence in Supply Chains passed by Germany in 2021, which will enter into force at the beginning of 2023. The Act's objective is to improve protection by defining due diligence standards for large companies that are based in Germany and operating across the world. In addition, under the German Presidency, in 2020 the EU started a process for an EU Directive on Corporate Sustainability Due Diligence.

Broadening the scope of the discussion, Michael Fakhri, the UN Special Rapporteur on the Right to Food, stressed that it is important to think about the underlying structural causes to foster long-term transition to a more just food system. In his view, one of the root causes of the documented deficiencies by the previous speakers is that the current system treats food as a simple commodity and does not pay attention to the wider significance of food and land for local communities. This is also reflected in investment law, which privileges foreign investors' access to land over local communities and indigenous people's human rights. Fakhri further asserted that, before looking at global frameworks such as the VGGTs, we should change investment law, even though corporate power impedes or slows down this kind of change. In closing, he reiterated Alfred Brownell's argument on the complexity of investor networks and that parent companies are rarely held accountable for the actions of their subsidiaries in other countries. Bryson Ogden, Director of the Rights and Resources Initiative (RRI) and member of the Interlaken Group steering committee, took the floor next to discuss the issue from the perspective of private sector responsibility. He agreed that while mandatory HRDD for the whole supply chain is necessary, companies often lack the systems to comply with the upcoming HRDD regulations outlined by Dirk Meyer,

explaining that most information comes from upstream producers and is commonly neither complete nor beyond reproach concerning its validity. He also supported the view of the previous speakers that current power imbalances in food systems are problematic, pointing out that the information from affected communities on the ground seldom reaches beyond the community level and usually carries little weight in discussions and investigations. An imbalance that was, however, addressed in the case of AFA through using systematic and transparent data in addition to the concerns of local communities, and in the case of Alfred Brownell exploring legal channels. In her closing statement, Esther Penunia expressed her appreciation as a representative of farmers in Asia for the upcoming legislation on HRDD that has been drafted in the Global North, but she also highlighted that better communication is needed to empower farmer organisations to use these laws to their advantage. Similarly, Alfred Brownell emphasised that current investment models need to be dismissed and a new focus on smallholder farmers is needed beyond only implementing HRDD regulations and the VGGTs.

Bringing the panel to its final stretch, Ward Anseeuw, senior technical specialist at the International Land Coalition (ILC) and member of the Land Matrix Initiative (LMI) steering committee, clarified that while the VGGTs and the CFS-RAI are voluntary, the underlying human rights principles are binding. Further, he reiterated the concentration of power in value chains that was mentioned by the previous speakers with, for example, just 1% of farms controlling 70% of global farmland, pointing out that changing the discourse will necessitate changing the power imbalances in the agricultural sector. Lastly, he spoke to the issue that data initiatives are often not recognised by governments and that new processes are needed to increase the legitimacy of these data. Concluding the event, Stefania Tripodi from the Office of the United Nations High Commissioner for Human Rights (OHCHR) underscored that the panel discussion demonstrates that the right to land is an important precondition for the realisation of many other fundamental and human rights, including the right to adequate food, water, and housing. Nevertheless, while these rights are recognised in several declarations, there has been a rise in attacks, intimidation, and even killings in response to attempts to address the power imbalances referenced by the panel, a development that the OHCHR denounces and is closely monitoring. Indeed, as Tripodi pointed out, human rights norms and principles, in particular the UN Guiding Principles on Business and Human Rights, offer guidance for state entities and the private sector to develop a new conduct of business that does not result in large-scale displacements. This could include refraining from entering into agreements that protect companies from liabilities or provide immunity from activities that endanger human rights, but also more national safeguards in terms of LSLAs and HRDD legislation. The panel ended with a call from the moderator, Jann Lay of the German Institute for Global and Area Studies (GIGA) and fellow member of the LMI steering committee, to be aware of the interconnections of all these approaches, as he encouraged the thinking about new ways to leverage synergies to improve human rights in global land acquisitions and agricultural supply chains.



CFS 5
COMMITTEE ON WORLD FOOD SECURITY
10-13 October 2022

SIDE EVENT

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12 October 2022

8:30 CEST

Speakers:

Ward Anseeuw (Senior Technical Specialist, ILC)
Alfred Brownell (Steering Committee, ALLIED)
Michael Fakhri (Special Rapporteur on the right to food)
Dirk Meyer (Director General, BMZ)
Bryson Ogden (Director, Rights and Livelihoods, RRI)
Esther Penunia (Secretary General, AFA)
Stefania Tripodi (Human rights officer, OHCHR)

Moderation: **Jann Lay** (Head of Research Prog., GIGA)

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