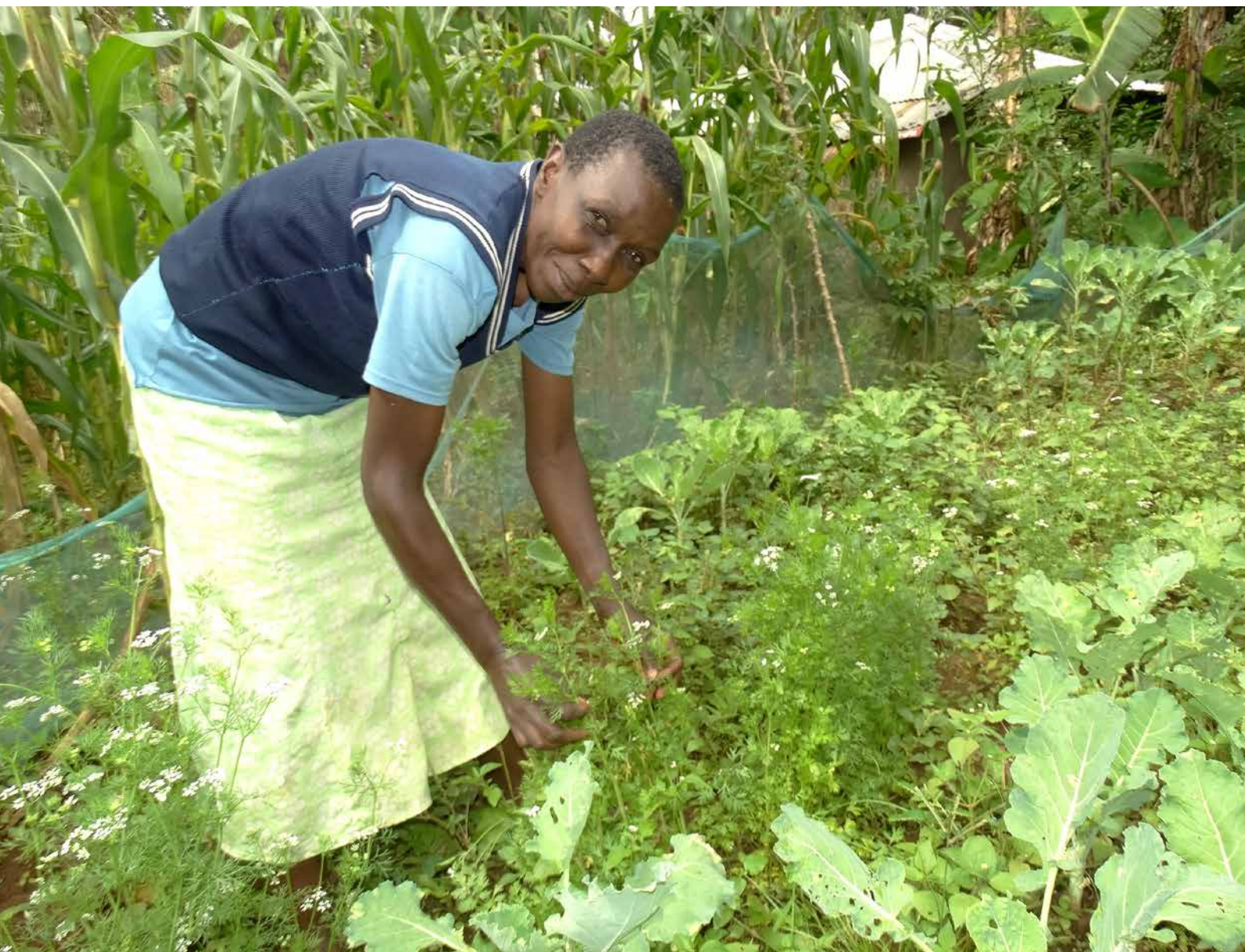


# Public policies that advance or hinder rural women's and young people's livelihoods and **climate justice for all**

A discussion paper

October 2019



# OVERVIEW

**This discussion paper** highlights key global, regional and national policies, laws and publicly supported practices that advance or hinder rural women's and young people's livelihoods and climate justice for all. In particular, it looks at key policies and practices relating to three overlapping strands of ActionAid's national, regional and global work: food sovereignty and agroecology, climate justice; natural resource rights and defence of the commons. The emerging evidence is based on interviews with ActionAid's 'International Platform on Resilient Livelihoods and Climate Justice' (IP3), an extensive literature review and external interviews. The paper highlights a number of key policies and identifies some key advocacy threats and opportunities for ActionAid's and allies' future work.

*Public policies that advance or hinder rural women's and young people's livelihoods and climate justice for all: a discussion paper; ActionAid 2019*

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Cover photo: Selina Asiko Malumbe from Khwisero in Western Kenya is pictured working on her family land from which she is now able to feed her family.

CREDIT: JEFFERSON MUNYA/ACTIONAID KENYA, MUSYOKA NGUI

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Durga and her family rest after a day working on their farm in Uttar Pradesh, India. PHOTO: BMANSI THAPLIYAL/ACTIONAID

# INTRODUCTION

The odds are particularly stacked against rural women, and young women and girls generally. They face widespread discrimination and lack equal access to land, other natural resources, education, healthcare, rural extension and other public services.<sup>1</sup> Their unpaid care and domestic work is excessively heavy, and violence against women is rife.<sup>2,3</sup> Rural women disproportionately experience poverty, exclusion and the effects of climate change,<sup>4</sup> while patriarchy and social norms mean women are systematically excluded from policies, governance spaces and policy-making processes.<sup>5</sup> Women experience multiple layers of

discrimination based on race, religion, age, culture, sexuality, migration and disability status.<sup>6</sup> Specific groups, such as indigenous people, women heads of households, people who identify as LGBTQI+ or migrant women,<sup>7</sup> may also have particular needs and priorities that policy makers should recognise and address by acknowledging their movements and voices. In addition, policy makers must recognise and support indigenous and community women's rights to own, manage and control land, forests and resources that are bases of their livelihoods, community well-being and food security.

1. See: Report of the General-Secretary (2017) *Improvement of the situation of women and girls in rural areas, Report of the General Secretary*, United Nations (UN) General Assembly, 24 July 2017, A/72/207; Elver, H (2015) *Report of the Special Rapporteur on the right to food*, UN General Assembly, Human Rights Council, 14 December 2015, A/HRC/31/51;
2. See: ILO (2017) *World Employment and Social Outlook: Trends for women 2017*, International Labour Organisation (ILO): Geneva; OECD (2014) *Unpaid Care Work: The missing link in the analysis of gender gaps in labour outcomes*, OECD: Paris, France; UN Women/UN Department of Economic and Social Affairs (2015) *The World's Women 2015, Trends and Statistics, Chapter 6, Violence against women*, UN Women/UNDESA: New York
3. ActionAid (2017) *Incorporation of Women's Economic Empowerment and Unpaid Care Work into regional policies: Africa, Policy Brief*, ActionAid International: Johannesburg, South Africa;
4. FAO (2016) *The State of Food and Agriculture: Climate Change, Agriculture and Food Security*, FAO: Rome
5. UN Women (2018) *Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development*, UN Women: New York
6. Report of the General-Secretary (2017) *Improvement of the situation of women and girls in rural areas, Report of the General Secretary*, United Nations (UN) General Assembly, 24 July 2017, A/72/207
7. People who identify as Lesbian, Gay, Bisexual, Transgender, Intersex or Questioning or other orientations.

However, at global, regional, national and local levels, giant and heavily financed transnational corporation (TNC) agribusinesses, extractives and mining multinationals – closely entwined with powerful key governments, donors, multilateral organisations, philanthropists, and domestic and local elites – aggressively push neo-liberal, market-driven approaches to tackling poverty, hunger and climate change, and seek to privatise land, seeds, biodiversity, forests, natural resources and the commons.<sup>8</sup>

It has been well documented that large swathes of land, forests and the commons – over 42 million hectares – have been bought and cleared for **large-scale industrial farming** in a huge global land grab in the decade to 2016.<sup>9</sup> With the bulk of these large-scale land deals focused on Africa (plus many in Asia and Latin America),<sup>10</sup> existing cropland, tropical forests, savannah and marginal shrub and grasslands have been bought or leased by private companies, investment funds and state-owned companies for industrial plantations of largely cash crops, some (non-essential) food crops, biofuels (such as palm oil and bioethanol) and rubber.<sup>11</sup> Rural women lose out more than men through **land grabs**<sup>12</sup> and such is the intensifying threat to the commons and community land and forests that a near-record 12 million hectares of forest tree cover was lost in 2018 alone – much of it high-carbon-storage ‘primary’ tropical rainforests.<sup>13</sup> Overall, the recent comprehensive IPBES global assessment on ecosystems and biodiversity loss found that 100 million hectares of tropical forest were lost between 1980 and 2000, mainly from cattle ranching in South America and palm oil plantations in southeast Asia.<sup>14</sup>

At national level, these alarming trends are played out on the ground in countries such as Brazil where the new far-right government is loosening environmental and indigenous protections, which is leading to increased deforestation, land grabs, violence and expansion of the soybean-based agricultural frontier into biodiversity-rich ecosystems and key global carbon sinks such as the Amazon rainforest and Cerrado woodland savannah.<sup>15</sup> Such is the unprecedented threat to **biodiversity from ecosystems loss** driven primarily by intensive agriculture, forestry and urbanisation that around 1 million plant and animal species now face global extinction – a decline faster than at any time in human history.<sup>16</sup> Such biodiversity is vital for the livelihoods of rural women and is crucial in the fight against climate change.<sup>17</sup>

Meanwhile, as a possible distraction to such widespread destruction, influential policy makers and TNCs are promoting an alternative set of approaches threatening the commons – often described as **‘false solutions’** by global peasants’ movements and civil society organisations (CSOs)<sup>18</sup> – that they claim will help address and mitigate the global climate emergency – most notably ‘Climate Smart Agriculture’<sup>19</sup> and ‘Bioenergy with Carbon Capture and Storage (BECCS)’, an unproven technology that would likely lead to massive land grabs for bioenergy tree plantations.

There has always been **resistance** to the above proposals, with indigenous peoples, rural communities, and women leading the way. Recent mobilisation of young people around the world on climate justice gives us hope. There is growing recognition that the role of

8. See: ETC Group (2017) *Who Will Feed Us? The Peasant Food Web Vs The Industrial Food Chain, 3rd Edition*, ETC Group: Val David, Canada; UNEP (2016) *Global Gender and Environment Outlook 2016*, UNEP: Nairobi
9. Land Matrix (2016) *International Land Deals for Agriculture, Fresh insights from the Land Matrix: Analytical Report II*, Centre for Development and Environment (CDE), University of Berne; Centre de coopération internationale en recherche agronomique pour le développement (CIRAD); German Institute of Global and Area Studies (GIGA); University of Pretoria; Bern Open Publishing
10. *ibid*
11. *ibid*
12. UN Women (2017) *Gender and Land Dispossession: A Comparative Analysis, Discussion Paper, No.15 July 2017*, UN Women: New York
13. *The World Lost a Belgium-sized Area of Primary Rainforests Last Year*, Mikaela Weisse and Elizabeth Dow Goldman, 25 April 2019, World Resources Institute: Washington, DC
14. IPBES (2019) *Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services*, 6 May 2019, Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES): Bonn, Germany
15. See: Amazon Watch (2019) *Complicity in Destruction II: How Northern Consumers and Financiers Enable Bolsonaro’s Assault on the Brazilian Amazon*, Amazon Watch: Washington DC, United States; Anthony Boadle, ‘Enboldened by Bolsonaro, armed invaders encroach on Brazil’s tribal lands’, Reuters, 3 March 2019; Cerrado Manifesto (2017) *The Future of the Cerrado in the Hands of the Market: Deforestation and Native Vegetation Conversion Must be Stopped*, 11 September 2017, see: <https://bit.ly/2Hkfj8V>; Mia Alberti, ‘Brazil’s indigenous groups decry Bolsonaro’s escalating attacks, Report finds Brazil’s indigenous communities are facing growing attacks, threats and land grabs under the new president’, 14 February 2019, Al Jazeera TV
16. IPBES (2019) *Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services*, 6 May 2019, IPBES: Bonn
17. *ibid*
18. See: *‘Don’t be Fooled! Civil Society Says No To “Climate Smart Agriculture” and Urges Decision-Makers to Support Agroecology’*, COP21 Civil Society Statement, September 2015, see: <https://bit.ly/1NlyHDu>
19. See: ActionAid International (2017) *Climate Smart Agriculture causes confusion*, ActionAid International: Johannesburg



women's, indigenous and traditional people's tenure rights over land and territory is crucial in the fight to tackle climate change and for secure livelihoods. A recent report from the Intergovernmental Panel on Climate Change (IPCC) recognised that, 'limited recognition of customary access to land and ownership of land can result in increased vulnerability and decreased adaptive capacity'.<sup>20</sup>

**Community lands and forests** are particularly vital resources for rural women and indigenous peoples and more widely provide food, medicine, materials, biodiversity, welfare, culture, identity, spirituality and livelihoods for up to 2.5 billion people.<sup>21</sup> **Women play a particularly crucial role** in agroforestry, especially when it comes to non-timber forest products (NTFPs) like food, materials for crafts, building materials, medicine and rituals. The collection of forest materials can also be an important income-generating activity. Women possess extensive local and/or indigenous knowledge about tree species and medicinal and edible plants. In many areas, women are the primary guardians of the forests and their rich biodiversity, and they are critical

political actors combating climate change.<sup>22</sup> Women's role in forest conservation has yet to be acknowledged; women are virtually invisible in formal forestry, particularly in decision making.

ActionAid seeks a major paradigm shift to tackle the global climate emergency and gender equality crisis. We urge support for **public policies** that put women and young people at heart of policies and policy making; policies that are human rights-based and youth-focused, which draw from a feminist analysis, and that increase community access, ownership and control of land, the commons and natural resources. Finally, we require fully scaled-up and properly implemented laws, policies and practices that help ensure climate justice through a major shift towards food sovereignty and agroecology and a radical transformation towards rebuilding diverse local food systems. Below we highlight key policies that hinder and enable rural women and young people's livelihoods and climate justice, and we identify key advocacy threats and opportunities.



The Rovieng community in Preah Vihear province depends upon the forest for their livelihood; forest vines hold their timber homes together, and fallen trees provide firewood. They pick bamboo shoots to sell, and forage for traditional medicines. PHOTO: CHARLES FOX/ACTIONAID

20. [https://www.ipcc.ch/site/assets/uploads/2019/08/4.-SPM\\_Approved\\_Microsite\\_FINAL.pdf](https://www.ipcc.ch/site/assets/uploads/2019/08/4.-SPM_Approved_Microsite_FINAL.pdf)

21. See: UN Women (2018) *Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development*, UN Women: New York; Oxfam/International Land Coalition/Rights and Resources Initiative (2016) *Common Ground, Securing land rights and safeguarding the earth*, Oxfam International: Oxford, UK

22. <https://rightsandresources.org/en/blog/ipcc-agrees-with-indigenous-peoples-and-local-communities-on-climate-change/#.XVVoZuNKjcc>





This farmer from Brazil has received support from the agroecology network Sabia, and now produces enough to be able to sell the the national school feeding programme. PHOTO: ACTIONAID

# KEY ENABLING POLICIES



1

## Ensure rural women's rights and increase community control of land, the commons and other natural resources

Our vision of a paradigm shift required to tackle the climate emergency and gender equality crisis requires the full and effective implementation of global and regional laws and the implementation of national laws – and/or their adoption – that ensure rural women's rights to land and enhance local community control of land, the commons and other natural resources. Secure rights to land and other natural resources are often a precondition for rural women's ability to realise other human rights, including economic livelihood, adequate standard of living, food security, housing, education, health, freedom from violence and participation in decision making at all levels.<sup>23</sup> We highlight a number of key enabling laws and policies below.

### Ensure rural women's rights to land, the commons and other natural resources

#### Global

There are a number of key international human rights instruments that guarantee women equality and non-discrimination in rights to land and access to natural resources, including:

- The **Universal Declaration of Human Rights (UDHR)** – establishes the principle of non-discrimination (including discrimination based on sex) in the enjoyment of rights guaranteed in the Declaration. Among other rights, it recognises the rights to property, food, housing and education.

23. UN Women (2018) *Towards a Gender-Responsive Implementation of the United Nations Convention to Combat Desertification*, UN Women: New York

- The **International Covenant on Civil and Political Rights** (ICCPR) – guarantees equality between women and men, prohibits discrimination based on sex, and recognises equality before the law.<sup>24</sup>
- The **International Covenant on Economic, Social and Cultural Rights** (ICESCR) – calls on states “to undertake to ensure the equal right of men and women to enjoyment of all economic, social and cultural rights set forth in the present Covenant”.<sup>25</sup>
- **United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas**<sup>26</sup> – says states should ensure rural women have equal access to, use of and management of land and natural resources, and more widely in relation to the commons says that “peasants and others living in rural areas have the right to land, individually and/or collectively”.<sup>27</sup>
- **UN Declaration on the Rights of Indigenous Peoples** (UNDRIP) recognises that indigenous peoples have the right to lands, territories and resources that they have traditionally owned, occupied or used and that states shall give legal recognition and protection of these lands, territories and resources. The Declaration also provides that indigenous women shall be protected from discrimination and that particular attention should be paid to their rights and special needs.<sup>28</sup>
- **The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests** are the first guidelines on land negotiated by states internationally and they reiterate the principle of gender equality, calling on states to ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status.<sup>29</sup>
- **CEDAW and women’s rights:** The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is the key UN convention on women’s rights and it requires states to end all forms of discrimination against women in laws, policies and practices.<sup>30</sup> CEDAW requires states to eliminate discrimination against rural women to ensure they participate in and benefit from rural development, and further calls on states to eliminate discrimination against women in all matters relating to marriage and to guarantee women’s equal rights to ownership or enjoyment of property.<sup>31</sup>
- CEDAW’s interpretive General Recommendation No.34 considers rural women’s rights to land and natural resources, including water, seeds, forestry and fisheries, as fundamental human rights, and instructs states to fulfil them.<sup>32</sup> CEDAW also calls on states to eliminate all forms of discrimination against disadvantaged or marginalised groups of rural women, including: indigenous, Afro-descendent, ethnic and religious minorities; female heads of households; peasants, pastoralists, fisherfolk and landless people; those affected by conflict; and migrants.<sup>33</sup>
- Important global policy documents such as the **Beijing Declaration and Platform for Action and the 2030 Agenda for Sustainable Development (SDGs)** reinforce a focus on gender equality and the empowerment of women in access and control of natural resources such as land.<sup>34</sup> It could prove to be highly significant that the SDGs recognise women’s land rights as a cross-cutting catalyst for ending poverty (Goal 1) and achieving food security and improved nutrition (Goal 2); in particular Goal 5 on gender equality requires states to collect detailed national-level data on achieving women’s equal rights to land and natural resources.<sup>35</sup>

24. United Nations (1976) *International Covenant on Civil and Political Rights*, UN General Assembly, Resolution 2200A, 23 March 1976

25. United Nations (1966) *International Covenant on Economic, Social and Cultural Rights*, UN General Assembly, Resolution 2200A (XXI), 16 December 1966

26. United Nations (2018) *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*, UN General Assembly, 30 October 2018, A/C.3/73/L.30

27. United Nations (2018) *United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas*, UN General Assembly, 30 October 2018, A/C.3/73/L.30

28. United Nations (2007) *United Nations Declaration on the Rights of Indigenous People*, UN General Assembly, 13 September 2007, A/61/L.67

29. FAO (2012) *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, FAO: Rome

30. For *Convention on the Elimination of All Forms of Discrimination Against Women* (1979), see: <https://bit.ly/2HCRGIH>

31. *ibid*

32. CEDAW (2016) *General recommendation No.34 on the rights of rural women*, Committee on the Elimination of Discrimination against Women, 4 March 2016, CEDAW/C/GC/34

33. *ibid*

34. United Nations (2015) *Transforming our world: the 2030 Agenda for Sustainable Development*, UN General Assembly, 21 October 2015, A/RES/70/1

35. UN Women (2018) *Turning Promises into Action: Gender Equality in the 2030 Agenda for Sustainable Development*, UN Women: New York



## Regional

At regional level, several provisions in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa address women's land and property rights including provisions on marital status, widows, inheritance, and the right to property. The Framework and Guidelines on Land Policy in Africa adopted by the African Union in 2009 also contain a specific section on strengthening women's land rights, while in Latin America, the Inter-American Commission on Human Rights sets out a number of priority measures states should take to ensure women's equal access to and control over economic and financial resources, including land and property.<sup>36</sup>

## National

At national level, a growing number of countries (for example Brazil, Nicaragua, Mozambique, Nepal and Uganda) have adapted many of the rights and principles mentioned above and have updated their constitutions and agreed new land laws that recognise women's equal rights to land and natural resources. However, the continued dominance of patriarchal power and discriminatory customary and traditional laws and practices, alongside powerful social, cultural and religious norms mean that *de facto* implementation has often been largely ineffective for rural women and young people.

However, Ecuador's Land Law of 2016 appears a good and holistic example. Ecuador was one of the first countries in the world to institutionalise food sovereignty when it included it in the 2008 Ecuadorian Constitution. After extensive state-led participatory consultations, workshops and deliberative democracy and (over 200) policy-making forums and roundtables at grassroots and national levels involving previously excluded groups – such as rural women, campesinos, fisherfolk, indigenous communities, Afro-Ecuadorians and Montuvian ethnic minorities – Ecuador established the 2009 National Food Sovereignty Law and nine associated laws. These laws relate to food sovereignty, on a broad range of issues including land, seeds, territorial rights, agrobiodiversity, agroecology, artisanal

fishing, conservation of mangrove fishing, nutritional health, food safety and support for small-scale farmers – in a deliberate shift away from previous neo-liberal regimes.<sup>37</sup>

Between 2010 and 2015, efforts to redistribute state-owned land to landless peasants, small-scale cooperatives, associations and indigenous people saw over 114,000 hectares of land redistributed – with priority given to young people and female heads of households living in extreme poverty – with an additional 897,000 hectares distributed primarily to indigenous communities or *comunas*.<sup>38</sup> The pro-women aspects included a key guideline for redistribution, stating that associations which were ceded land must be comprised of at least 30 percent female members and that in the regularisation and titling of state land, joint titles should be issued for married couples or to those in a consensual union.<sup>39</sup>

The subsequent 2016 Land Law further transformed land tenure and property rights. The legislation was written in gender-inclusive terms and among its objectives was that state land policy should guarantee social, gender and generational equity. Priority in land redistribution would be given to those with family members with disabilities, women and mothers who support a family, male and female household heads who are landless, landless rural young people and return migrants, all of whom must be under the poverty line to qualify.<sup>40</sup> The Land Law also recognises collective property rights and that ancestral territory is inalienable and indivisible, and it allows communities to oversee the administration of their land and customary practices (*usos y costumbres*).<sup>41</sup> However, a key clause in the 2008 Ecuadorian Constitution reaffirmed the right of indigenous, Afro-Ecuadorian and Montuvian people to follow their own customary practices, but crucially also established that these could not violate the constitutional rights of women – and experts speculate whether this may be why women now appear as almost half of the beneficiaries of recent collective land titles in Ecuador.<sup>42</sup>

36. *ibid*

37. Peña K (2017) *State-led Grassroots Participation and Ecuador's Land Law, in Public Policies for Food Sovereignty, Social Movements and the State*, edited by Annette Aurélie Desmarais, Priscilla Claeys and Amy Trauger, Routledge: Abingdon, UK

38. *ibid*

39. Deere C (2016) 'Women's land rights, rural social movements, and the state in the 21st-century Latin American agrarian reforms', *Journal of Agrarian Change*, 2017;17: 258-278

40. Deere C (2016) 'Women's land rights, rural social movements, and the state in the 21st-century Latin American agrarian reforms', *Journal of Agrarian Change*, 2017;17: 258-278

41. Peña K (2017) *State-led Grassroots Participation and Ecuador's Land Law, in Public Policies for Food Sovereignty, Social Movements and the State*, edited by Annette Aurélie Desmarais, Priscilla Claeys and Amy Trauger, Routledge: Abingdon, UK

42. Deere C (2016) 'Women's land rights, rural social movements, and the state in the 21st-century Latin American agrarian reforms', *Journal of Agrarian Change*, 2017;17: 258-278

## 2 Protect communities through free, prior and informed consent (FPIC)

Ensuring that all affected communities have veto power and the right to free, prior and informed consent (FPIC) before major land-related initiatives on their land and natural resources go ahead – such as agribusiness, mining or extractives – is crucial for securing their rights to control their land, lives and livelihoods.<sup>43</sup> Only 14 percent of 1,200 recently concluded large-scale land deals covering 42 million hectares of land involved a process of FPIC<sup>44</sup> and it is well documented that wider pressures on land and natural resources are intensifying.<sup>45</sup> There are three main international instruments that recognise the right of indigenous people to FPIC and interpretations say FPIC applies widely and does, or should, apply to both indigenous people and all communities affected by such projects.<sup>46</sup>

FPIC has emerged as an international human rights standard that derives from the collective rights of indigenous peoples to self-determination and to the lands, territories and resources that they customarily own, use or occupy.<sup>47</sup> FPIC is not a stand-alone right, but a mechanism by which indigenous and tribal peoples can exercise their right to self-determination, and by which their other universal human rights, including the right to property, culture, participation and non-discrimination, can be realised.<sup>48</sup> The principle of FPIC is enshrined in international law, notably the UN Declaration on the Rights of Indigenous People (UNDRIP), the International Labour Organization (ILO) Convention No.169 on Indigenous and Tribal Peoples (1989), and the Convention on Biological Diversity (CBD).<sup>49</sup>

This woman is working in Nainital district, India. The Gene Campaign aims to revive traditional crops to make food production sustainable and climate resilient.  
PHOTO: MANSI THAPLIYAL/ACTIONAID



43. See: ActionAid (2015) *Take Action: Stop EcoEnergy's Land Grab in Bagamoyo, Tanzania*, ActionAid International: Johannesburg; ActionAid (2015) *Act on It! Four key steps to prevent land grabs*, ActionAid International: Johannesburg
44. Land Matrix (2016) *International Land Deals for Agriculture, Fresh insights from the Land Matrix: Analytical Report II*, Centre for Development and Environment (CDE), University of Berne; Centre de coopération internationale en recherche agronomique pour le développement (CIRAD); German Institute of Global and Area Studies (GIGA); University of Pretoria; Bern Open Publishing
45. See: IPBES (2019) *Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services*, 6 May 2019, IPBES: Bonn, Germany; UNEP (2019) *Global Resources Outlook 2019, Natural Resources for the Future We Want*, UNEP: Paris
46. See: FAO (2016) *Free, Prior and Informed Consent, An indigenous people's right and a good practice for local communities, Manual for Project Practitioners*, FAO: Rome; FAO (2014) *Respecting free, prior and informed consent, Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition*, FAO Governance of Tenure Technical Guide 3, FAO: Rome
47. FAO (2014) *Respecting free, prior and informed consent, Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition*, FAO Governance of Tenure Technical Guide 3, FAO: Rome
48. Wilson C (2016) *What is Free, Prior and Informed Consent?*, December 2016, Indigenous Peoples and Resource Extraction in the Arctic: Evaluating Ethical Guidelines, Arran
49. See: FAO (2016) *Free, Prior and Informed Consent, An indigenous people's right and a good practice for local communities, Manual for Project Practitioners*, FAO: Rome; FAO (2014) *Respecting free, prior and informed consent, Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition*, FAO Governance of Tenure Technical Guide 3, FAO: Rome



UNDRIP says states have a duty to obtain the FPIC of indigenous people prior to the approval of any project affecting their lands, territories and other resources, particularly in relation to the exploitation of mineral, water or other resources,<sup>50</sup> while ILO Convention No.169 prohibits the removal and/or relocation of indigenous and tribal populations from their territories without free and informed consent.<sup>51</sup> The CBD protects local and indigenous communities' knowledge, innovations and practices by allowing their use only with prior approval; the standard of 'approval and involvement' has been equated with FPIC, and this is affirmed in the CBD's Akwé: Kon Guidelines.<sup>52</sup> While there is no internationally agreed definition of indigenous peoples, international law makes it clear that FPIC extends to those commonly referred to as 'tribal' peoples, applying to ethnically distinct groups with close ties to their ancestral lands. Understood as an expression of the right to self-determination, FAO technical guidance says:

*"FPIC can fairly be interpreted as applying to all self-identified peoples who maintain customary relationships with their lands and natural resources, implying it is enjoyed widely in rural Africa and Asia, and by many rural Afro-American societies."<sup>53</sup>*

Finally, at international level, one key advocacy opportunity that could be an extremely important and effective global policy mechanism is the possibility of including the responsibility to respect FPIC by TNCs and other business enterprises in the forthcoming UN Treaty on Business and Human Rights, currently being drafted. We need to also lobby for member states to sign and ratify ILO Convention No.169.

### **Regional**

A number of important regional human rights bodies such as the African Union Commission's African Charter on Human and People's Rights also refer to the principle of FPIC in a way that widens its applicability to women and people's customary rights.<sup>54</sup>

Resolution 224 of this charter calls for states to "ensure independent social and human rights impact assessments that guarantee free, prior, informed consent [FPIC]", with a particular focus on women, indigenous and people's customary rights.<sup>55</sup> This is a powerful instrument that can be enforced through the African Court of Human and People's Rights. However, ultimately it is the responsibility of the state to implement FPIC and adhere to court decisions. The 55-country African Union has agreed guiding principles for the mining sector, the Africa Mining Vision, which states that companies shall obtain FPIC from local communities. The principles are binding on members to integrate FPIC into law, but they currently contain no special emphasis on ensuring the full and effective participation of vulnerable groups, such as rural women or young people.<sup>56</sup>

Elsewhere in Latin America, the Inter-American Commission on Human Rights describes FPIC as "an essential guarantee" for safeguarding the rights of indigenous, tribal and Afro-descendent communities and links the wider protection of the environment (in the context of rampant resource extraction and exploitation) as a necessary precondition for exercising fundamental rights under the American Declaration of the Rights and Duties of Man and the American Convention on Human Rights – such as the individual's rights to health and well-being.<sup>57</sup>

### **National**

Many countries have started to adopt legislation, practices and guidelines on consulting and obtaining FPIC.<sup>58</sup> In Latin America, countries have either enacted or are discussing enacting laws in consultation with indigenous people. A general consultation mechanism aimed at obtaining FPIC has recently been established in Costa Rica and there are also laws, practices or guidelines in Argentina, Canada, Chile, Ecuador, Finland, Guatemala, Mexico, Peru, the Philippines, US and Venezuela.<sup>59</sup> Some states are in the process of developing protocols on FPIC, including DRC Congo,

50. UN (2007) *United Nations Declaration on the Rights of Indigenous Peoples*, UN General Assembly, 13 September 2007, 61/295, A/61/L.67

51. ILO (1989) *Indigenous and Tribal Peoples Convention, 1989 (No.169) Convention concerning Indigenous and Tribal Peoples in Independent Countries*, 76th ILC session, 27 June 1989, ILO: Geneva

52. Convention on Biological Diversity (2004) *Akwé: Kon Guidelines*, Convention on Biological Diversity (CBD): Montreal, Canada

53. FAO (2014) *Respecting free, prior and informed consent, Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition*, FAO Governance of Tenure Technical Guide 3, FAO: Rome

54. FAO (2016) *Free, Prior and Informed Consent, An indigenous people's right and a good practice for local communities*, Manual for Project Practitioners, FAO: Rome

55. For African Commission on Human and Peoples' Rights Resolution 224, 2 May 2012 see: <http://www.achpr.org/sessions/51st/resolutions/224/>

56. FAO (2016) *Free, Prior and Informed Consent, An indigenous people's right and a good practice for local communities*, Manual for Project Practitioners, FAO: Rome

57. IACHR (2015) *Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities*, Inter-American Commission on Human Rights (IACHR): Washington, DC

58. UN (2018) *Free, prior and informed consent: a human rights-based approach*, Study of the Expert Mechanism on the Rights of Indigenous Peoples, United Nations General Assembly, 10 August 2018, A/HRC/39/62

59. *ibid*

Chile, Honduras, Paraguay and Suriname. In Colombia, there is no law regulating FPIC, although some 156 consultations on FPIC took place in the decade to 2012 as a result of the Constitutional Court's recognition that consent was mandatory in three situations: displacement of indigenous peoples; storage of toxic

waste; and the existence of the group put at risk.<sup>60</sup> Furthermore, indigenous peoples are also establishing their own protocols on FPIC, including in Belize, Bolivia, Brazil, Canada, Colombia, Guatemala, Honduras, Paraguay, Suriname and the US. These protocols set out how, when, why and whom to consult.<sup>61</sup>

## 3 Greater community control of land, the commons and other natural resources

Ensuring that rural women, young people and local communities have a far greater say and collective or communal control over land, the commons and natural resources is essential for the paradigm shift. Since the incorporation of the UNDRIP and ILO No.169 at global level, several countries have allowed for stronger state recognition of indigenous, tribal and local communities' land, territory and resource rights, including Liberia (The Community Rights Law, 2009), Bolivia (the Bolivia Constitution, 2009), Kenya (Constitution of Kenya, 2010), Cambodia (the Cambodian National Land Law, 2001), Benin (Benin Sacred Forest Law, 2012) and India (Forest Rights Act, 2006).<sup>62</sup> In Brazil, the Constitution of 1988 officially recognised more than 160 hectares as traditional peoples and communities' lands (as commons). Other countries are following this successful example, although all of these victories are currently under threat.<sup>63</sup>

Countries such as Namibia in Africa have made concerted efforts to ensure that women's rights are fully recognised and respected in their recent communal land reforms. Prior to the Communal Land Reform Act (CLRA) in 2002, rural women in Namibia primarily accessed land and the commons through their husbands, fathers, uncles and other male relatives under customary law, and women were ineligible to inherit communal land rights.<sup>64</sup> However, under CLRA rural women now have independent customary land rights regardless of marital status, they have the right

to joint titling and to inherit communal land, and the right of widows to remain on communal land is protected. While land continues to be allocated by male and female traditional leaders, women's rights to participation are protected through mandates that ensure five women are represented on powerful 12-person Community Land Boards, which ratify all land allocations. Individual and collective land title-related sex-disaggregated data is also routinely collected.<sup>65</sup>



This community in Pursat, Cambodia receive livelihood support including trainings on farming and livestock and provision of seeds. PHOTO: ALBERTO MAROTTA

60. *ibid*

61. *ibid*

62. MacInnes A et al (2017) 'Free, prior and informed consent: how to rectify the devastating consequences of harmful mining for indigenous peoples', *Perspectives in Ecology and Conservation*, Vol.15, Issue3, July-Sept 2017, pp152-160

63. [http://www.stf.jus.br/repositorio/cms/portalStfInternacional/portalStfSobreCorte\\_en\\_us/anexo/constituicao\\_ingles\\_3ed2010.pdf](http://www.stf.jus.br/repositorio/cms/portalStfInternacional/portalStfSobreCorte_en_us/anexo/constituicao_ingles_3ed2010.pdf)

64. UN Women (2013) *Realizing Women's Rights to Land and Other Productive Resources*, UN Women: New York

65. Mandimika P and Mulofwa J (2018) *Securing Customary Land Rights for Development in Namibia: Learning from New Approaches, Opportunities and Social Settings*, Paper prepared for presentation at the 2018 World Bank Conference on Land and Poverty, The World Bank, Washington, DC, 19-23 March 2018; Landesa (2016) *Namibia: Good Practices and Lessons Learned for Gender and Communal Land*, Landesa: Washington, DC



## Box 1: India's Forest Rights Act (2006)<sup>66</sup>

Under India's 2006 Forest Rights Act (FRA), forests became a community rather than a state asset. Villages with forest dwellers – about a quarter of all villages in India – are now entitled to a legally enforceable community forest, and access to government funds for forest management. A reform long advocated by ActionAid and its allies, experts say the FRA could transform the livelihoods of 150 million forest dwelling people – including 90 million members of marginalised tribal communities – by having their rights recognised over 40 million hectares of customary common forest land they have been managing, using and interacting with in more than 170,000 villages. FRA provisions effectively democratise forest governance in India, by providing sufficient legal powers to village-level Gram Sabha governance institutions and empowering them to protect forests, water catchment areas and biodiversity, and ensure that forest habitats are protected from destructive practices. Recognition of Community Forest Resource (CFR) titles could shift forest governance towards a community conservation regime, with greater food sovereignty, agroforestry, livelihoods and climate change focus. However, while the FRA provides an historic opportunity to implement the largest land reform ever in India and one of the largest in the world, weak awareness and implementation mean CFR titles have only been recognised for 500,000 hectares of forests so far, or just 1.2 percent of the potential total.

## 4 Scale up food sovereignty and agroecology

Wholeheartedly committing to food sovereignty and scaling up agroecology are key components of the transition to low-carbon food systems. Food sovereignty, as articulated by the global peasants movement La Vía Campesina, “is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agricultural systems”.<sup>67</sup> At national level, food sovereignty has so far been recognised in a number of constitutions and national framework laws. It is enshrined in the constitutions of Ecuador, Bolivia and Nepal and is further recognised in Bolivia's 2013 Law on Sustainable Family Farming and Food Sovereignty and in laws in Ecuador, Dominican Republic, Mali, Nicaragua, Senegal and Venezuela.<sup>68</sup>



These women are part of the Agroecology Knowledge Exchange in Marracuene, Mozambique. They are involved with the preparation of natural pesticides. PHOTO: ACTIONAID

66. See: Oxfam/International Land Coalition/Rights and Resources Initiative (2016) *Common Ground, Securing land rights and safeguarding the earth*, Oxfam International: Oxford, UK; Rights and Resources Initiative (2015) *Potential for Recognition of Community Forest Resource Rights under India's Forest Rights Act, A Preliminary Assessment*, Rights and Resources: Washington, DC; ActionAid (2013) *Our Forests, Our Rights, Implementation Status of Forest Rights Act – 2006*, ActionAid India: New Delhi
67. La Vía Campesina (2015) *Declaration of Nyéléni, Declaration of the International Forum for Food Sovereignty*, Nyéléni 2007, 27 February 2007, Nyéléni Village, Sélingué, Mali, see: <https://bit.ly/2biim99>
68. Geneva Academy (2018) *The Rights to Food Sovereignty and to Free, Prior and Informed Consent, Research Brief*, Geneva Academy: Geneva

Agroecology is a practice, a science and a movement, and is widely recognised as a truly transformational and sustainable alternative in addressing the climate emergency.<sup>69</sup> Currently, most agroecology practices are initiatives based on and driven by grassroots, peasant and smallholder farmer groups, and are highly inclusive of rural women and young people.<sup>70</sup> Below are three examples of governments supporting agroecology at scale.

- **Sikkim<sup>71</sup>**

Sikkim became the first 100 percent organic state in the world in 2015. All of its farmland is certified organic and the transition benefitted 66,000 Himalayan Indian family farmers and rural women practising organic farming and agroecology on more than 76,000 hectares of land. Chemical inputs were gradually phased out and eventually banned under the state policy, the Sikkim Organic Mission. At the same time, support was given to the production and use of organic fertilisers and natural pesticides, composting, vermiculture, and local native seeds and plants, coupled with support for new training ‘bio-villages’ and ‘livelihood schools’, and capacity building for farmers, unemployed young people and rural extension officers. Benefits have been multiple and transformational, ranging from increased organic food consumption and market expansion, to enhanced health, education, rural development and sustainable tourism, plus improved biodiversity, soil fertility and water conservation.

- **Brazil’s National Policy for Agroecology and Organic Production<sup>72</sup>**

Co-developed through strong civil society participation, Brazil’s multi-sectoral and €592 million National Policy for Agroecology and Organic Production (PNAPO) integrates 194 initiatives to promote socially inclusive, gender-equitable and sustainable food systems via the scaling up of low-input environmentally friendly agroecology

and organics. Rural women, peasant youth, family farmers, land settlers, and indigenous, traditional and Afro-Brazilian *quilombolas* communities have been targeted and empowered through access to finance, training, research, assistance and initiatives such as construction or support for 640 native community seed banks, 143,000 cisterns, 556 rural women’s networks, 393 rural family farming organisations, youth-focused agroecology studies centres, and organics markets and territorial networks of agroecology. Local production and healthy eating is promoted through assistance to 5,300 municipalities to purchase agroecology and organic food for the National School Feeding Programme, while multi-stakeholder dialogues between government and civil society are highly inclusive of rural women and young people.

- **Quito’s Participatory Urban Agriculture Programme (AGRUPAR)<sup>73</sup>**

Targeted at highly vulnerable groups – including women, children, young people, the elderly, people living with disabilities, refugees, migrants, the unemployed and indigenous people – Quito’s AGRUPAR is a highly successful agroecology-based urban and peri-urban organic short food chain scheme. Aimed at tackling extreme poverty, food insecurity, poor nutrition, food waste, climate change and social exclusion, a participatory food sovereignty-based system of organic urban and peri-urban community gardens has developed over 16 years into a thriving agroecology-based territorial network encompassing 3,679 family, school and community gardens, community plant nurseries, organic training, rainwater harvesting, food waste recycling, community banks, food processing micro-enterprises, producer associations and 17 local bio-fairs. Some 84 percent of those trained were women, and women’s participation in governance spaces has also increased.

69. IAASTD (2009) *Agriculture at a Crossroads, Synthesis Report*, International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD), FAO/UNDP/UNEP/World Bank: Rome/New York/Nairobi/Washington, DC

70. See: McCune N et al (2017) ‘The Long Road: Rural Youth, Farming and Agroecological Formación in Central America’, *Mind, Culture, and Activity*, 2017, Vol. 24 No.3, pp183-198; Focus on the Global South (2017) *Women, Agroecology and Gender Equality*, Focus on the Global South: New Delhi

71. *Sikkim’s State Policy on Organic Farming and Sikkim Organic Mission, India*, FuturePolicy.org online database of sustainable policy solutions, World Future Council, accessed 24 May 2019, see: <https://bit.ly/2Qn8KzT>

72. *Brazil’s National Policy for Agroecology and Organic Production (PNAPO)*, FuturePolicy.org online database of sustainable policy solutions, World Food Council, accessed 24 May 2019, see: <https://bit.ly/2QnAeFJ>. Ongoing checks need to be made on Brazil’s policy status since changes are ongoing. This policy is being systematically dismantled as a result of budget cuts made by the Brazilian Federal Government and the adoption of a policy of favouring agribusiness over family farming.

73. *Quito’s Participatory Urban Agriculture Programme (AGRUPAR)*, FuturePolicy.org online database of sustainable policy solutions, World Food Council, accessed 24 May 2019, see: <https://bit.ly/2wfxBg5>



### Agroecology policy push

At global level, there appear a number of key policy and advocacy opportunities to promote the support and scale-up of rural women and youth-focused agroecology as a key response to the climate emergency and gender equality crisis. Globally, these include a focus on the influential UN Committee on World Food Security (CFS), which has just produced a report on Agroecological Innovations ([http://www.fao.org/fileadmin/user\\_upload/hlpe/hlpe\\_documents/HLPE\\_S\\_and\\_R/HLPE\\_2019\\_Agroecological-and-Other-Innovative-Approaches\\_S-R\\_EN.pdf](http://www.fao.org/fileadmin/user_upload/hlpe/hlpe_documents/HLPE_S_and_R/HLPE_2019_Agroecological-and-Other-Innovative-Approaches_S-R_EN.pdf)) and UN Food and Agriculture Organization's (FAO's) Scaling up Agroecology initiative (<http://www.fao.org/agroecology/en/>); nationally, they centre on FAO's soon-to-be updated

5-year Country Programming Frameworks (CPFs). It is also vital that a strong articulation and emphasis on supporting and scaling up agroecology is integrated into the UN Framework Convention on Climate Change (UNFCCC) Koronivia Joint Work on Agriculture – a global UNFCCC working group that has been tasked with producing influential policy and technical recommendations for all UNFCCC countries by COP26 in 2020.<sup>74</sup> The August 2019 Special Report on Land and Climate published by the Intergovernmental Panel on Climate Change (IPCC) provides clear scientific recommendations for a wholesale shift from harmful industrial agriculture practices towards agroecology, in order to reduce greenhouse gas emissions and strengthen climate resilience.<sup>75</sup>

## >> 5 Radically strengthen national climate change plans

Much of the key policy action on climate change over the next few years will be focused on the national level. Countries have either not yet started or have begun planning their National Adaptation Plans (NAPs) and Nationally Determined Contributions (NDCs) – their national responses and climate pledges under the UNFCCC process.<sup>76</sup> Such plans can be periodically reviewed and strengthened, presenting unique opportunities to integrate key policies, strategies and approaches that are feminist and youth-orientated, that promote food sovereignty and the scale-up of agroecology, and that enhance rural women's and local communities' control of land, the commons and other key natural resources rather ownership by elites.

At the UNFCCC global policy level, climate adaptation is the area in which women's rights and gender equality is most well recognised and integrated. Key UNFCCC decisions include:

- Decision 28/CP.7, which states that preparation of National Adaptation Programmes of Action (NAPAs) must be guided by gender equality
- Decision 1/CP.16, which recognises the importance of enhanced participation by women and that action on adaptation should be gender-sensitive

- Decision 5/CP.17, which reiterates that the NAP process should be country-driven, gender sensitive, and participatory.



Young men navigate around their district in Durgapur, Bangladesh where havoc has been wreaked due to flash floods.  
PHOTO: MD. MOSLEH UDDIN LASKER

74. Caritas France (2018) *Supporting the Agroecological Transition*, Caritas France: Paris

75. IPCC (2019) *Special Report on Climate Change and Land*, IPCC: Geneva

76. UNDP (2018) *Gender Equality in National Climate Action: Planning for Gender-Responsive Nationally Determined Contributions*, UNDP: New York

However, despite these commitments, recent analysis by the UN Development Programme (UNDP) on gender equality in the 161 Intended Nationally Determined Contributions (INDCs) lodged with the UNFCCC found considerable gaps and challenges.<sup>77</sup> They found only 65 of the 161 INDCs made at least one reference to gender equality for women. The highest number of references (35 countries) is to gender in relation to climate adaptation, either in terms of priority sector of action, capacity development, or programming. The role of women in mitigation is recognised by just 18 countries – in relation to energy emissions, livestock or biomass and sustainable energy. Some 32 countries make reference to gender mainstreaming or gender as crosscutting the INDC, national climate change policy or programming. Many references are to gender equality as part of other national priorities, such as poverty reduction or Agenda 2030 and the SDGs.<sup>78</sup>

The second highest number of references to women (some 30 countries) is in the identification of vulnerable groups affected by climate change, while women are identified as agents of change for addressing climate change in just two INDCs,<sup>79</sup> the ‘intended’ NDCs submitted before the Paris Agreement was finalised. The participation of women in decision making and

implementation for both adaptation and mitigation is recognised by only eight countries. Costa Rica commits to supporting the participation of women in policy making and climate action, as does Honduras, which recognises women as agents of fundamental change who must be taken into account in making decisions about the transition to a low-carbon society.<sup>80</sup> Burkina Faso, Liberia and Mauritius mention the engagement of women in the stakeholder processes,<sup>81</sup> but only three countries – Liberia, Peru and Jordan – reference their comprehensive national Climate Change Gender Action Plans.<sup>82</sup> References to women’s roles, needs and perspectives in the following specific sectors – disasters, energy, agriculture, environmental and natural resources management, economic improvements/ livelihoods, health and workloads – are extremely low, ranging from just three to 15 countries.<sup>83</sup> In relation to agriculture, FAO analysis of the 161 INDCs mentions agroecology only twice (in relation to Honduras and Rwanda),<sup>84</sup> and the forest community-focused CSO Rights and Resources finds just 21 country submissions out of 161 INDCs make a clear commitment to implement policies that strengthen the tenure security of local and indigenous communities to forests and natural resources.<sup>85</sup>



Droughts and famine have always characterised Karimboni village, Kenya. Marceline chairs a committee which has come up with a weather calendar to help predict and mitigate effects of drought and flooding.  
PHOTO: JEFFERSON MUNYA/ ACTIONAID KENYA

77. *ibid*  
 78. *ibid*  
 79. *ibid*  
 80. *ibid*  
 81. *ibid*  
 82. FAO (2016) *The Agriculture Sectors in the Intended Nationally Determined Contributions, Analysis*, FAO: Rome  
 83. UNDP (2018) *Gender Equality in National Climate Action: Planning for Gender-Responsive Nationally Determined Contributions*, UNDP: New York  
 84. FAO (2016) *The Agriculture Sectors in the Intended Nationally Determined Contributions, Analysis*, FAO: Rome  
 85. Rights and Resources (2016) *Indigenous Peoples and Local Community Tenure in the INDCs, Status and Recommendations*, Rights and Resources: Washington, DC

## Box 2: The Coconut Breakers' Movement

The Coconut Breakers' Movement (MIQCB) comprises over 300,000 women who make their living by gathering babassu palm tree coconuts in lands that correspond to an area of more than 25 million hectares of forested areas, in a region between the Amazon rainforest and the Cerrados (the Brazilian savannas). Much of the land where the babassu palm trees grow has been irregularly occupied by cattle ranchers and farmers who have destroyed large parts of the babassu forests and now either ban women from accessing the palm trees or charge women for collecting the coconuts. In addition to this, in recent years, new threats against these women and the forest have come from paper, oil and gas companies, which are cutting down the forest to implement their enterprises, not recognising the rights of local traditional communities. The movement seeks to guarantee community control over forests and the sustainable use of babassu trees as commons, which includes recognising and titling quilombos,<sup>86</sup> demarcating new Extractive Reserves, implementing babassu forest management, discussing and enforcing the Free Babassu law (which guarantees free access to babassu forests within private farms for women). This movement combines a territorial rights agenda – fighting for land titling and women's rights – struggling to combat violence against women and guarantee their economic rights and empowerment; and a climate mitigation agenda – playing a critical role in combating climate warming by guaranteeing the babassu forests (combating deforestation – and at the same time cutting down emissions and sinking carbon from the atmosphere) and maintaining the babassu forests as commons.

In addition to this, in 2013, this movement established a socio-environmental fund – the Babassu Fund, as the first community intermediary fund directly managed by a social movement. This fund was built to support their local communities' organisations' actions. This movement was awarded a \$2.5 million grant from the Amazon Fund, the biggest climate mitigation fund managed by a government in the global south. It is a recognition of the movement as an important climate change social actor, and it also sets a precedent for other social movements to show that it is possible to access these funds and build and manage financial resources.

Supporting the key agents fighting climate change, both in Brazil and globally, means supporting indigenous and traditional peoples and rural movements, especially those with women in key leadership positions.<sup>87</sup>



Over 300,000 women who make their living from gathering babassu palm tree coconuts are part of the Coconut Breakers' Movement (MIQCB). PHOTO: YNDARA VASQUES

86. Quilombos in Brazil are territories traditionally occupied by populations that were enslaved during the period of Brazilian colonization. this population has traditional specific rights for the occupation and use of these spaces

87. See for example, <https://guardiansoftheforest.me/>; <https://ifnotusthenwho.me/guardians-forest-cop23/>; <https://www.un.org/development/desa/indigenouspeoples/climate-change.html>; <https://www.greenclimate.fund/safeguards/indigenous-peoples>; <https://unfccc.int/news/5-reasons-why-climate-action-needs-women>; and <https://www.unwomen.org/en/news/in-focus/climate-change>





The women have become increasingly organised to both defend their right to free access to gather the babassu nuts from the palm trees that grow wild, and to improve their trading position. PHOTO: YNDARA VASQUES

# KEY HINDERING POLICIES

## ➤➤ 1 Land grabs, the commons and other natural resources

There are multiple global, regional and national policy drivers behind recent global land grabs, deforestation and enclosure of the commons caused by TNC agribusiness, extractives and mining multinationals. The growth of international trade and investment, export orientation in agricultural goods, and corresponding increase in corporate concentration in the seed and agrichemical agribusiness sector has been facilitated through powerful World Trade Organization rules<sup>88</sup> – such as the Agreement on Agriculture,<sup>89</sup> a host of regional Free Trade Agreements, and over 3,200 Bilateral Investment Treaties.<sup>90</sup> Whether for Special

Economic Zones, dams, mining, urban expansion or transnational agriculture investment, public policy has been an important driver of large-scale land deals, particularly through host-country policies to make seemingly ‘idle’ land available to investors on favourable

terms.<sup>91</sup> Many national legal systems centralise control over land and the commons and do not recognise the customary rights of local land users, thereby paving the way for large-scale allocation of land to investors.<sup>92</sup> This, in turn, undermines food sovereignty, agroecology and the right to food for rural women and young people.

Donor countries, including the European Union (EU), increasingly rely on the private sector to implement the SDGs by investing in agriculture in developing countries. EU development assistance is increasingly used to financially support private companies and encourage them to invest in developing countries. This is done through complex funding modalities which are not fully transparent and are difficult to monitor, for example loans, guarantees and technical assistance. The EU external investment plan and its Sustainable Agriculture, Rural Entrepreneurs and Agribusiness Investment

88. See: IPES Food (2016) *From Uniformity to Diversity, A paradigm shift from industrial agriculture to diversified agroecological systems*, International Panel of Experts on Sustainable Food Systems (IPES Food); De Schutter O (2014) *Report of the Special Rapporteur on the right to food*, Olivier De Schutter, Final Report: The transformative potential of the right to food, 24 January 2014, A/HRC/25/57

89. See: De Schutter O (2009) *Report of the Special Rapporteur on the right to food*, Olivier De Schutter, Mission to the World Trade Organization, Presented to the Human Rights Council, 9 March 2009, *Doho round will not prevent another food crisis*, see: <https://bit.ly/2JCpG4d>

90. TNI (2015) *Licensed to grab: How international investment rules undermine agrarian justice*, Transnational Institute (TNI): Amsterdam

91. Cotula L (2014) *Addressing the human rights impacts of ‘Land Grabbing’*, European Parliament, Directorate-General for External Policies of the Union, Directorate B, Policy Department, EXPO/B/DROI/2014/06, European Parliament: Brussels

92. Anseuw W et al (2012) *Land Rights and the Rush for Land, Findings of the Global Commercial Pressures on Land Research Project*, International Land Coalition (ILC): Rome

funding window is just one such example and the next EU budget may involve much larger amounts to leverage private investments than has ever been the case in the past.”

## The World Bank’s Enabling the Business of Agriculture (EBA) country rankings

An unprecedented new policy threat to land, natural resources, the commons and wider food sovereignty in 62 African, Asian and Latin American countries is the World Bank’s Enabling the Business of Agriculture (EBA) policy benchmarking initiative,<sup>93</sup> which was originally set up to support the G8-driven New Alliance for Food Security and Nutrition in Africa, which in turn heavily promoted large-scale pro-corporate industrial agriculture through public-private partnerships (PPPs) in 10 African countries.<sup>94</sup>

The EBA benchmarks national policy reforms, laws and regulations that facilitate doing business in agriculture in 62 pilot countries,<sup>95</sup> with 80 countries expected to be covered by the EBA in 2019.<sup>96</sup> EBA indicators benchmark national policy areas including seeds, fertilisers, water, markets, transport and finance, and recently added a new land indicator promoting privatisation of public land.<sup>97</sup> The EBA rankings identify and evaluate the ‘regulatory burdens’ impacting private access to land, and the World Bank recommends pro-agribusiness reforms and scores countries on their performance in applying these recommendations. Sub-indicators relate to processes for easing the transfer of state lands such as parks, natural reserves, forests and other public spaces to commercial use, and privatisation of public land via tender and public auction is a key recommendation.<sup>98</sup>

The EBA performance scores and rankings are intended to condition the provision of international aid and influence foreign investment in those countries. In effect, the EBA scores incentivise governments

to reform their seed, land, water and agricultural sectors to allow increased use of commercial seeds and chemical inputs, foster private titling of land, and create favourable import and export conditions for agribusiness.<sup>99</sup> Most public land and associated natural resources in the EBA pilot countries is used by rural women, young people, indigenous and local communities as a common good, under customary laws. Key international CSOs such as the US-based Oakland Institute say that the EBA rankings have an agenda centred on promoting large-scale industrial agriculture at the expense of family farmers, pastoralists and indigenous peoples, and that expanding this model will provide a legal avenue for increased land dispossession, land concentration and land grabbing.<sup>100</sup>

The EBA puts a key emphasis on the formalisation of private property as a way to increase land tenure security. However, the experience of ActionAid and a platform of other CSOs of a \$120 million World Bank land titling programme in the state of Piauí in the Cerrado biome in the Northeast Region of Brazil is that the titling programme risks legalising existing widespread land grabbing by agribusinesses and land speculators in the region.<sup>101</sup> In recent years, as monoculture soy plantations and land speculation in Piauí has increased, so have illegal land grabs. Some 11,000 small-scale farmers – including traditional peoples and communities like *quilombolas* (*‘marons’*), and indigenous peoples – risk eviction, as four million hectares of land is titled, privatised and acquired by international companies under the World Bank programme. As a consequence, although Afro-Brazilian rural women continue to have constitutional rights to common land and woodlands used for grazing animals and gathering forest products crucial for their livelihoods, currently there is no law enforcement, and communities face contamination of water and soil, increasing violence against community leaders, particularly women, deforestation and loss of biodiversity.<sup>102</sup>

93. Oakland Institute (2019) *The Highest Bidder Takes it All: The World Bank’s Scheme to Privatize the Commons*, Oakland Institute: Oakland, US

94. See: De Schutter O (2015) *The New Alliance for Food Security and Nutrition in Africa*, European Parliament, Directorate-General For External Policies, Policy Department, European Union: Brussels; ActionAid International (2014) *The Great Land Heist: How the world is paving the way for corporate land grabs*, ActionAid International: Johannesburg

95. For the World Bank’s Enabling the Business of Agriculture (EBA) official country reports and data, see: <https://bit.ly/2JE6tPL>

96. *About EBA; Enabling the Business of Agriculture*, World Bank, see: <https://eba.worldbank.org/en/about-us>

97. Oakland Institute (2019) *The Highest Bidder Takes it All, The World Bank’s Scheme to Privatize the Commons*, Oakland Institute: Oakland

98. *ibid*

99. Oakland Institute (2016) *The Unholy Alliance, Five Western Donors Shape a Pro-Corporate Agenda for African Agriculture*, Oakland Institute: Oakland, US

100. Oakland Institute (2019) *The Highest Bidder Takes it All, The World Bank’s Scheme to Privatize the Commons*, Oakland Institute: Oakland

101. Campanha Nacional em Defesa do Cerrado (2018) *The World Bank’s land program in the state of Piauí, Brazil, is a license for land grabbing*, *International Statement*, 21 March 2018, see: <https://bit.ly/2EflvZ>

102. See: ‘World Bank Program Forcing Local Communities off their Land’, 22 March 2018, ActionAid International Press release, see: <https://bit.ly/2W6Ylh9>; Campanha Nacional em Defesa do Cerrado (2018) *The World Bank’s land program in the state of Piauí, Brazil, is a license for land grabbing*, *International Statement*, 21 March 2018, see: <https://bit.ly/2EflvZ>

## Box 3: World Bank and land grabs in Guatemala<sup>103</sup>

ActionAid has documented how rural women were violently threatened or forced off their land against their will to make way for the expansion of large-scale palm oil or sugar cane plantations following World Bank-funded land titling programmes in seven Guatemalan departments. A study in the northern lowlands [of Guatemala] found dozens of rural communities had been taken over by palm oil plantations and reduced to core housing areas, while four communities disappeared completely. Many rural women found their newly titled land was simply taken under duress and consolidated by larger buyers or sold by their husbands against their will – even though the women were co-owners. “The destruction of the forests began when they started planting the oil palm,” says Margarita Osorio, a Maya Q’eqchi indigenous community leader in Alta Verapaz in Guatemala. “We feel challenged and intimidated by the way they criminalise and threaten us. Before, we could go draw water in five minutes because we were near to water sources. Now, we have to walk to the river that’s half an hour away. They destroyed many forests and this caused, and will continue to cause, a lot of damage.”<sup>104</sup>

## 2 Pro-corporate agricultural development

A coordinated set of key donor and private sector-led global and regional policy initiatives impose a market-based, pro-corporate and large-scale industrial model and vision of agriculture on many developing countries – shaping national policy regimes and undermining natural resources, the commons, climate justice, food sovereignty, agroecology, farmers’ seed systems, and the rights and livelihoods of rural women, young people, peasants, pastoralists, landless people and those dependent on forests, fisherfolk, and indigenous communities.

### **New Vision for Agriculture**

At the apex of these global initiatives is the roadmap set out in the New Vision for Agriculture launched at the World Economic Forum (WEF) in 2010.<sup>105</sup> The annual WEF in Davos in Switzerland is an important

venue for forging partnerships and laying the foundations for a corporate-led approach to agricultural development, food security and climate change.<sup>106</sup> Seventeen TNCs – including Archer Daniels Midland, BASF, Bunge, Cargill, Coca-Cola, DuPont, General Mills, Kraft Foods, Metro, Monsanto, Nestlé, PepsiCo, SABMiller, Syngenta, Walmart and Norwegian fertiliser giant Yara – set out a report that opened the way to the New Vision for Agriculture (NVA).<sup>107</sup>

This roadmap legitimised TNC leadership and placed high external input-based private sector investment in partnership and the heart of delivering future food security, economic growth and sustainable agriculture.<sup>108</sup> The New Vision for Agriculture makes few references to rural women and no mention of young people.<sup>109</sup> With a timeframe to 2050 and based on

103. See: ActionAid/CONGCOOP (2018) *Forms of Land Tenure and Property in a Municipality of Alta Verapaz, Guatemala, and Strategies for Community Land Rights Protection*, Paper prepared for 2018 World Bank Conference on Land and Poverty, The World Bank, Washington DC, March 19-23, 2018, ActionAid USA/CONGCOOP: Washington, DC/Colonia Molino de Las Flores, Guatemala; ActionAid (2017) *Land Rights, Palm Oil and Conflict in Guatemala*, ActionAid USA: Washington, DC

104. ‘Indigenous Communities Protect Forests from Onslaught of Palm Oil Industry in Guatemala’, 26 April 2017, ActionAid USA blog, see: <https://bit.ly/2VGT5>

105. WEF (2010) *Realizing a New Vision for Agriculture: A roadmap for stakeholders*, WEF: Geneva

106. TNI/Terra Nuova (2014) *The New Alliance for Food Security and Nutrition: A Coup for Corporate Capital?*, Transnational Institute (TNI)/Terra Nuova: Amsterdam/Rome

107. TNI/Terra Nuova (2014) *The New Alliance for Food Security and Nutrition: A Coup for Corporate Capital?*, Transnational Institute (TNI)/Terra Nuova: Amsterdam/Rome

108. WEF (2010) *Realizing a New Vision for Agriculture: A roadmap for stakeholders*, WEF: Geneva

109. *ibid*





In recent years the palm oil industry has driven the takeover of community lands in Guatemala. Indigenous peoples and small-scale farmers, especially women, are facing ongoing threats; losing land and seeing the water increasingly polluted. PHOTO: FABIO ERDOS/ACTIONAID

catalysing large-scale PPPs, 19 developing countries have set up NVA Country Partnerships that have mobilised \$10.5 billion in investment commitments.<sup>110</sup> At global level, the New Vision for Agriculture has partnered with the G8 and G20, linked up with the Alliance for a Green Revolution in Africa (AGRA), heavily funded by the Bill & Melinda Gates Foundation, and facilitated high-level informal dialogues that have spawned initiatives such as the New Alliance for Food Security and Nutrition in Africa (see below).<sup>111</sup> The New Vision was also the launch pad for its two main regional investment ‘partnership platforms’: Grow Africa and Grow Asia.

### **Grow Africa**

Grow Africa is much larger and has been established longer than Grow Asia;<sup>112</sup> it has catalysed \$10 billion in private sector investment commitments in

12 African countries since 2011.<sup>113</sup> Grow Africa was co-founded by WEF, the African Union Commission (AUC) and the AUC’s New Partnership for Africa’s Development (NEPAD) initiative, and is ‘fully anchored’ in the policy architecture of the Comprehensive Africa Agricultural Development Programme (CAADP).<sup>114</sup> One of the key concepts promoted by the New Vision and Grow Africa has been the establishment of several large-scale PPP agricultural ‘growth corridors’ or ‘agricultural hubs’ to attract foreign investment and increase production and processing – such as Tanzania’s Southern Agricultural Growth Corridor (SAGCOT), Mozambique’s Beira Agricultural Growth Corridor and Burkina Faso’s Bagré Growth Pole.<sup>115</sup> In these giant growth corridors (the Bagré Growth Pole is planned to cover 500,000 hectares)<sup>116</sup> companies are incentivised by host governments, donors, multilaterals such as the World Bank and international finance

110. WEF (2016) *Building Partnerships for Sustainable Agriculture and Food Security, A Guide to Country-Led Action, A report by the World Economic Forum’s New Vision for Agriculture Initiative*, WEF: Geneva  
 111. ActionAid (2014) *The Great Land Heist: How the world is paving the way for corporate land grabs*, ActionAid International: Johannesburg  
 112. Grow Asia was set up with the ASEAN Secretariat in 2015 and has partnerships in five countries – Cambodia, Indonesia, Myanmar, Philippines and Vietnam – which reach 500,000 smallholders through 26 value-chain initiatives  
 113. Countries in Grow Africa include: Benin, Burkina Faso, Côte d’Ivoire, Ethiopia, Ghana, Kenya, Malawi, Mozambique, Nigeria, Rwanda, Senegal and Tanzania  
 114. *Who We Are*, Grow Africa website, accessed 1 July 2019, see: <https://www.growafrica.com/who-we-are>  
 115. WEF (2016) *Building Partnerships for Sustainable Agriculture and Food Security, A Guide to Country-Led Action, A report by the World Economic Forum’s New Vision for Agriculture Initiative*, World Economic Forum (WEF): Geneva  
 116. IISD (2018) *The Rise of Agriculture Growth Poles in Africa, Investment in Agriculture, Policy Brief #6*, International Institute for Sustainable Development: Winnipeg

institutions via tax breaks, regulatory, finance and land incentives, as well as the prospect of new infrastructure such as rural roads, railways, ports, irrigation and fertiliser terminals, plus farming hubs, nucleus farms or irrigated farm blocks.<sup>117</sup> These growth corridors mainly focus on commercial agriculture – with smallholders envisaged as very dependent out-growers or contract farmers – but also include forestry and mining.<sup>118</sup>

### **Growth corridors**

The most prominent corridors – SAGCOT in Tanzania and Beira Agricultural Growth Corridor in Mozambique – have partnered with large agribusiness TNCs including Bayer, Monsanto, Nestlé, SABMiller, Syngenta, Unilever, Yara and others,<sup>119</sup> and both corridors pose a significant threat to natural resources and the commons and the rights and livelihoods of rural women and young people. Otherwise categorised as ‘underutilised land areas’, SAGCOT proposes allocating 350,000 hectares, or about a third, of the country’s most fertile land for commercial agriculture (in which 9 to 11 million people live), and has resolved to open large tracks of land of between 20,000 and 60,000 hectares for tender.<sup>120</sup>

CSOs have long warned that the threat of land grabs is acute throughout SAGCOT. In 2015, ActionAid highlighted the threat a Swedish-based biofuels company, EcoEnergy, posed to rural women and 1,300 small-scale farmers and pastoralists at Bagamoyo in Tanzania who were denied their right to free, prior and informed consent (FPIC) to the project and risked losing 20,000 hectares of their land and forests when EcoEnergy was allocated it to establish a huge sugarcane biofuel plantation under SAGCOT.<sup>121</sup> One villager under threat of EcoEnergy’s plans at Bagamoyo, Huba Uzageni, said: “We depend on the land for

everything. If we did not have the land, we would have nowhere to farm and we would have nothing to eat.”<sup>122</sup> That particular biofuel land concession at Bagamoyo was revoked after extensive community resistance and pressure and there are signs that Tanzania’s new president is cooling on the wider SAGCOT initiative altogether.<sup>123</sup>

### **From New Alliance to ‘CAP-F’**

The New Alliance for Food Security and Nutrition in Africa is another key globally driven policy initiative that targets TNC investment, PPPs and pro-corporate reforms in 10 African countries.<sup>124</sup> Set up and heavily promoted by powerful G8 donors in 2012, some 180 companies – including Monsanto, Syngenta and Yara – pledged to invest \$8 billion by 2022 under 10 Country Cooperation Frameworks or Agreements (CCAs). Those CCAs were heavily criticised by experts such as Olivier De Schutter, the former UN Special Rapporteur on the Right to Food, and others for their lack of civil society participation, the unsustainable model of agriculture they promoted, the threats to land, seeds and water represented by 213 proposed pro-business national policy reforms, and their lip service to, and failure to address, the needs of rural women.<sup>125</sup> Suggested policy reforms contained in the CCAs were guided and monitored by the World Bank’s newly established Enabling the Business of Agriculture (EBA) index.<sup>126</sup>

While it appears the New Alliance has now ceased operating, the 10 Country Cooperation Agreements have not gone away and have been updated and formally transitioned and ‘re-branded’ as Country Agribusiness Partnership Frameworks, or CAP-Fs, under Grow Africa.<sup>127</sup> These little-scrutinised CAP-F plans were also developed by the AUC and NEPAD and come

117. EcoNexus (2013) *African Agricultural Growth Corridors and the New Alliance for Food Security and Nutrition, Who benefits, who loses?*, EcoNexus: Brighton, UK

118. *ibid*

119. Oakland Institute (2016) *The Unholy Alliance, Five Western Donors Shape a Pro-Corporate Agenda for African Agriculture*, Oakland Institute: Oakland, US

120. See: IISD (2018) *The Sustainable Asset Valuation of the Southern Agricultural Growth Corridor of Tanzania (SAGCOT) Initiative: A focus on irrigation infrastructure*, International Institute for Sustainable Development (IISD): Winnipeg; Oakland Institute (2016) *The Unholy Alliance, Five Western Donors Shape a Pro-Corporate Agenda for African Agriculture*, Oakland Institute: Oakland, US; De Schutter O (2015) *The New Alliance for Food Security and Nutrition in Africa*, European Parliament, Directorate-General For External Policies, Policy Department, European Union: Brussels

121. ActionAid (2015) *Take Action: Stop EcoEnergy’s Land Grab in Bagamoyo, Tanzania*, ActionAid International: Johannesburg

122. *ibid*

123. ‘Farming gamble fails: ambitions for venture capital in agriculture – once the Next Big Thing – are floundering’, *Africa Confidential*, 22 March 2019, Vol 60 No.6, see: <https://bit.ly/2W7wTjv>

124. Badiane O et al (2018) *An Assessment of the New Alliance for Food Security and Nutrition, Synthesis Report, April 2018*, Agrodep/Resakss/IFPRI: Dakar/Addis Ababa/Washington, DC

125. See: Oakland Institute (2016) *The Unholy Alliance, Five Western Donors Shape a Pro-Corporate Agenda for African Agriculture*, Oakland Institute: Oakland, US; De Schutter O (2015) *The New Alliance for Food Security and Nutrition in Africa*, European Parliament, Directorate-General For External Policies, Policy Department, European Union: Brussels; TNI (2015) *Licensed to grab: How international investment rules undermine agrarian justice*, TNI: Amsterdam; Oxfam (2013) *The New Alliance: A New Direction Needed, Reforming the G8’s public-private partnership on agriculture and food security*, Oxfam International: Oxford

126. Sonkin F, ‘Two Blows in a Row: The New Alliance for Food Security Loses Ground,’ 12 April 2018, Oakland Institute blog, see: <https://bit.ly/2Q6XXdh>

127. Grow Africa (2017) *Country Agribusiness Partnership Frameworks (CAP-F), An Implementation Guide for Governments and their Partners*, Grow Africa

under each country's National Agricultural Investment Plan (NAIP), and they are both a response to the Malabo Declaration (see Box 2) and are 'fully anchored' within the CAADP policy architecture.<sup>128</sup> Alarming, Grow Africa intends to expand from 12 to 44 countries and

the policy director from the Oakland Institute says it is highly likely that the policy reforms in national CAP-Fs will be monitored and measured for donors by the World Bank's EBA ranking index.<sup>129</sup>

## Box 4: Malabo Declaration<sup>130</sup>

The Malabo Declaration is a continent-wide policy commitment that is shaping many neo-liberal market-driven national agricultural development policies and priorities across Africa. A 10-year recommitment to the CAADP Process, the Malabo Declaration was agreed at the African Union in 2014 and reconfirms goals on accelerating agriculture-led growth to end hunger in Africa by 2025. It recommitments to spending at least 10 percent of public expenditure on agriculture and seeks annual agricultural growth of 6 percent. It seeks agricultural transformation through increased private investment into agribusiness, agro-industries, alliances and PPPs, and promotes enhanced access to irrigation, hybrid seeds and chemical fertilisers.

## 3 IPRs on seeds and traditional knowledge

Global expansion of intellectual property rights (IPRs) on seeds, crops and plant genetic resources fail to recognise or support farmers' seed systems and undermine the rights of rural women and indigenous, peasant and smallholder farmers to save, use, exchange and sell farm-saved seed<sup>131</sup> – key farmers' rights protected by the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).<sup>132</sup> Food sovereignty and agroecology are threatened, as IPRs on seeds and crops privatise key common resources, reduce the agro-biodiversity crucial for tackling climate change, intensify monopolies in global seed, biotechnology, pesticides and agrochemicals markets, and undermine rural women's roles as seed savers, breeders and custodians of local and traditional knowledge. In sub-Saharan Africa and southeast

Asia the overwhelming majority of farmers rely on farmers' seed systems to grow their crops and manage agro-biodiversity. Women play a key role in these seed systems: up to 90 percent of planting material in smallholder agriculture is seed and germplasm saved and selected by rural women, and it is also predominantly women who preserve and grow wild crops that local communities use to diversify and supplement their diets.<sup>133</sup>

### **WTO and UPOV 91**

The key global policy driving the expansion of IPRs is the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) and in particular Article 27.3(b), which states that WTO members must provide for the protection of plant varieties either by

128. *ibid*

129. Personal email communication with Frederic Mousseau, executive director of the Oakland Institute, 10 May 2019

130. For Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods (2014), see: <https://bit.ly/2JtBxlZ>

131. ACB (2018) *Towards national and regional seed policies in Africa that recognize and support farmer seed systems*, African Centre for Biodiversity (ACB): Melville, South Africa

132. FAO (2009) *International Treaty on Plant Genetic Resources for Food and Agriculture*, FAO: Rome

133. De Schutter O (2009) *The right to food, Seed Policies and the right to food: enhancing agrobiodiversity and encouraging innovation*, UN General Assembly, 23 July 2009, A/64/170



patents or by an effective *sui generis* system.<sup>134</sup> Many developing countries are heavily pressurised by the US and EU through bilateral and regional trade agreements to sign up to the most stringent legislation – known as UPOV 91<sup>135</sup> – which provides plant breeders rights or plant variety protection (PVP).

Under UPOV 91, seed companies can be granted 20-year legal monopolies over new plant varieties of any plant species (wild, cultivated or medicinal) so long as they develop plant varieties that are new, distinct, uniform and stable.<sup>136</sup> Under UPOV 91-compliant domestic legislation, small-scale farmers can be prohibited or restricted from producing, exchanging, marketing, gifting, reusing or saving the protected plant variety, and if suspected their farms can be searched and the harvests seized, or farmers can be fined or sent to jail. UPOV 91 also makes it much easier for TNC seed companies to privatise the traditional knowledge embodied in farmers' own farm-produced seeds and to ban the use of native or local varieties.<sup>137</sup> As such, the risk of 'biopiracy' of traditional knowledge of seeds and natural ecological processes increases under UPOV 91.

### **Regional IPR push**

The agribusiness industry has been pushing regional bodies to adopt UPOV 91 model law applying to several

countries at once. Multi-country regional bodies such as the 19-member African Regional Intellectual Property Organisation (ARIPO), the 16-member Organisation Africaine pour la Propriété Intellectuelle (OAPI) and the 9-member Southern African Development Community (SADC) have all recently issued controversial draft PVP protocols that restrict farmers' rights to save and re-use seeds from protected varieties.<sup>138</sup>

Probably the most current and 'live' threat to seed and food sovereignty in Africa at present is the UPOV 91-compliant draft East African Communities (EAC) Seed and Plant Varieties Bill proposed in September 2018.<sup>139</sup> The Bill was drafted without proper national consultation in EAC countries and failed to ensure the inclusion of a diverse range of opinions from different stakeholders working on seeds – particularly smallholder farmers, rural women, young people and indigenous communities.<sup>140</sup> Although 60 to 80 percent of seed used by farmers in the EAC region is from farmer-managed seed systems,<sup>141</sup> the draft Bill fails to recognise or protect farmers' rights. If adopted, it would be legally binding on all six EAC member states, namely Burundi, Kenya, Rwanda, South Sudan, Tanzania and Uganda.<sup>142</sup>

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## 4 False solutions to climate emergency

Key donors, multilaterals and agribusinesses are heavily promoting a set of 'false solutions' to help tackle the global climate emergency. Below we look at two key policy initiatives, Climate-Smart Agriculture and Bioenergy with Carbon Capture and Storage (BECCS), both of which are heavily criticised by community-

based organisations (CBOs), global peasants' movements and an international chorus of CSOs.

### **Climate-Smart Agriculture**

Heavily promoted by the World Bank and the FAO, Climate-Smart Agriculture is promoted as a way of

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134. De Schutter O (2009) *The right to food: Seed Policies and the right to food: enhancing agrobiodiversity and encouraging innovation*, UN General Assembly, 23 July 2009, A/64/170

135. UPOV is the French acronym for the International Union of the Protection of New Varieties of Plants

136. See: Grain (2015) *Seed laws that criminalise farmers, Resistance and fightback*, Grain: Barcelona; Grain (2015) *UPOV 91 and other seed laws: a basic primer on how companies intend to control and monopolise seeds*, Grain: Barcelona; De Schutter O (2009) *The right to food: Seed Policies and the right to food: enhancing agrobiodiversity and encouraging innovation*, UN General Assembly, 23 July 2009, A/64/170

137. See: ACB (2018) *Towards national and regional seed policies in Africa that recognize and support farmer seed systems*, African Centre for Biodiversity (ACB); Grain (2015) *UPOV 91 and other seed laws: a basic primer on how companies intend to control and monopolise seeds*, Grain: Barcelona

138. Grain/AFSA (2015) *Land and seed laws under attack: Who is pushing changes in Africa?*, Grain/Alliance for Food Sovereignty in Africa (AFSA): Barcelona

139. From interview with Mariam Mayet, executive director, African Centre for Biodiversity (Acbio), 26 March 2019

140. Acbio (2019) *Concerns with the draft EAC Seed and Plant Varieties Bill, September 2018 Version*, African Centre for Biodiversity (Acbio): Melleville

141. *ibid*

142. *ibid*

doing agriculture that will deliver a ‘triple-win’ of increased yields and crop production, greater climate adaptation (supporting crops to grow in changing climate conditions), and enhanced climate mitigation (with reduced greenhouse gas emissions).<sup>143</sup> Backed by a Global Alliance for Climate-Smart Agriculture comprised of 21 national governments and a Climate-Smart Agriculture working group chaired by PepsiCo and including TNCs such as Monsanto, Syngenta, Olam and Walmart,<sup>144</sup> the World Bank’s 2016 Climate Change Action Plan commits to developing Climate-Smart Agriculture country profiles and investment plans for at least 40 countries by 2020, while Climate-Smart Agriculture programmes will be delivered at scale, “with a focus on hybrid seed and carbon capture practices; high efficiency/low energy use irrigation programs; livestock productivity; energy solutions for agribusiness; and mainstreaming of risk management”.<sup>145</sup>

ActionAid and others emphasise that the list of technical solutions under the Climate-Smart Agriculture framework are confused and contradictory<sup>146</sup> –

combining some useful aspects such as some elements of agroecology with much more dubious high greenhouse gas-emitting glyphosate-driven no-till mono-cropping systems and promotion of highly controversial new biotechnologies and GMO crops.<sup>147</sup> Consider that the World Bank argues that Argentina has largely adopted key Climate Smart Agriculture practices, making it an exemplary case.<sup>148</sup> Argentina’s high Climate-Smart Agriculture rating rests primarily on the transformation of the pampas into vast monocultures of soy, maize and wheat production under extensive no-till agriculture of large-scale monocultures of carbon-intensive herbicide-resistant soy.<sup>149</sup> With major destruction of forests and biodiversity, degradation of groundwater and soil, land consolidation and associated evictions of rural women, young people and smallholders in the pampas in Argentina, it is little wonder that global peasants’ movement, La Vía Campesina, and a global coalition of 364 CSOs, condemn Climate-Smart Agriculture as a ‘false solution’ and refuse to engage in the institutional networks being constructed around it.<sup>150</sup>

ActionAid Nepal is promoting Climate Resilient Sustainable Agriculture (CRSA), establishing community seed banks and strengthening farmer’s organizations.  
PHOTO: ACTIONAID



143. See: World Bank (2015) *Future of Food, Shaping a Climate-Smart Global Food System*, World Bank: Washington, DC; FAO (2013) *Climate-Smart Agriculture Sourcebook*, FAO: Rome
144. Taylor M (2017) ‘Climate-Smart Agriculture: What is it good for?’, *The Journal of Peasant Studies*, Vol. 45, 2018, Issue 1, pp89-107, 25 May 2017
145. World Bank (2016) *World Bank Group Climate Change Action Plan 2016-2020*, World Bank: Washington, DC
146. See: ActionAid (2017) ‘Climate Smart Agriculture’ causes confusion: In an era of climate change, agroecology must lead the way, ActionAid International: Johannesburg; ETC Group/Heinrich Böll Stiftung (2015) *Outsmarting Nature, Synthetic Biology and Climate Smart Agriculture*, ETC Group/Heinrich Böll Stiftung: Val David, Canada/Berlin; ActionAid International (2014) *Clever Name, Losing Game? How Climate Smart Agriculture is sowing confusion in the food movement*, ActionAid International: Johannesburg
147. ETC Group/Heinrich Böll Stiftung (2015) *Outsmarting Nature, Synthetic Biology and Climate Smart Agriculture*, ETC Group/Heinrich Böll Stiftung: Val David, Canada/Berlin
148. Taylor M (2017) ‘Climate-Smart Agriculture: What is it good for?’, *The Journal of Peasant Studies*, Volume 45, 2018, Issue 1, pp89-107, 25 May 2017
149. Ibid
150. See: ‘Don’t be Fooled! Civil Society Says No To “Climate Smart Agriculture” and Urges Decision-Makers to Support Agroecology’, COP21 Civil Society Statement, September 2015, see: <https://bit.ly/1NlyHDu>; Taylor M (2017) ‘Climate-Smart Agriculture: What is it good for?’, *The Journal of Peasant Studies*, Volume 45, 2018, Issue 1, pp89-107, 25 May 2017

### ***Biofuels, Bioenergy and Bioenergy with Carbon Capture and Storage (BECCS)***

As the world recognises the need to shift away from fossil fuels, alternative energy sources are needed as a solution to the climate crisis. Some of these supposed solutions will cause more harm than good, however. Large-scale biofuels and bioenergy require huge plantations of crops or trees, to be harvested for fuel to be burned. Growing trees for bioenergy or crops for liquid biofuel on a large scale causes major conflicts over land use, drives deforestation, causes rising food prices and forces farming and indigenous communities off their land. The global biofuel land grab, which began in the early 2000s, was a key campaign focus for ActionAid and many other allies, as we defended communities' rights and food sovereignty in the face of attempts by multinational corporations to profit off the climate crisis. This work continues today in some ActionAid countries such as Guatemala and the US. But even though biofuels drive hunger and land grabs, they are not even carbon neutral, and some can even cause more greenhouse gas emissions than fossil fuels.

In spite of these problems, many influential scientists and policy makers hope they can use an approach

called 'Bioenergy with Carbon Capture and Storage' (BECCS) to solve the climate problem, and to suck carbon dioxide out of the air. This approach would rely on growing tree plantations on hundreds of millions of hectares of land, and then cutting them down for biomass to be burned for energy. The carbon dioxide produced in the burning would – theoretically – be stored underground using 'carbon capture and storage' (CCS) technology. Proponents argue that this approach achieves negative emissions or pulls more CO<sub>2</sub> out of the air than it emits, but there are many flaws with this approach. First, CCS technology has yet to work successfully at scale, even though billions of pounds have been spent on research. Second, it is a myth that bioenergy is carbon neutral, meaning that the process could actually increase atmospheric emissions. And third, deploying BECCS at scale would drive land grabs on an unimaginable scale. Some climate models project that up to 1 billion hectares of land – equivalent to the land mass of India – would be needed. As we saw with the biofuel land grab, it is always the poorest and most marginalised are the first to lose their land and food security. BECCS would harm the very people who are already hit hardest by climate change, but who have done the least to cause the climate problem.



# CONCLUSION

**This paper has highlighted a number of key global, regional and national policies, laws and practices that either hinder or enable rural women's and young people's livelihoods – and climate justice for all.** Given the urgency of the climate emergency and gender equality crisis, this paper urges ActionAid and its allies to advocate for a 'paradigm shift' that puts feminism

and women's rights at the heart of policies and policy making. It should be human rights-based and youth-focused and should draw on intersectional feminism. It should increase women's and local communities' access to and control of land, the commons and natural resources and should promote food sovereignty and agroecology.

## Recommendations

### Hindering policies

*This paper identifies the importance of:*

- Scrapping the World Bank's Enabling the Business of Agriculture (EBA) country rankings
- Challenging pro-corporate agricultural development models, such as Grow Africa's PPP-based 'growth corridors' and the New Alliance's rebranded 'Country Agribusiness Partnership Frameworks' (CAP-Fs)
- Challenging the increasing reliance of donors on private companies, especially TNCs, to invest in agriculture in the global south, instead of providing support to small-scale food producers, women farmers and young people as agents of change able to drive the agro-ecological transition that is urgently needed.
- Rejecting the East African Community's (EAC) 6-country draft Seed and Plant Varieties Bill and overturning IPR regimes on plants, crops and traditional knowledge
- Rejecting 'false solutions' such as Climate Smart Agriculture and BECCS

### Enabling policies

*This paper identifies the importance of:*

- Legally ensuring and implementing rural women's rights to land, the commons and other natural resources at national level
- Promoting national laws that enhance community control of land, the commons and other natural resources
- Influencing the AU's Africa Mining Vision to strengthen FPIC provisions and ratification of ILO 169 by member states to ensure the full and effective participation of rural women and young people
- Including the responsibility to respect FPIC by TNCs in the UN Treaty on Business and Human Rights
- Integrating scale-up of agroecology in the UNFCCC's Koronivia Joint Work on Agriculture and in FAO's Country Programming Frameworks
- Ensuring national climate change plans – including Nationally Determined Contributions (NDCs), National Adaptation Plans (NAPs) and Climate Change Gender Action Plans (CCGAPs) – are strengthened to recognise and promote rural women's rights to land, the commons and natural resources, and commit to scaling up agroecology.

**ActionAid** is a global movement of people working together to achieve greater human rights for all and defeat poverty. We believe people in poverty have the power within them to create change for themselves, their families and communities. ActionAid is a catalyst for that change.

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