

We Belong to the Land

10 Years of the Tenure Guidelines: States Must Address Rising Inequalities and Enact Agrarian Reform to Realize the Right to Land

International Statement

May 26, 2022



On the occasion of the 10th anniversary of the Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (Tenure Guidelines), we, organizations of small-scale food producers, Indigenous Peoples, workers, urban communities and civil society, underline the critical importance of land, fisheries and forests for achieving social, environmental, gender and intergenerational justice, and demand that States, the FAO and the entire UN system comply with their obligations to realize the right to land.

*“No agreement or treaty is enforced automatically, regardless of how positive and progressive its content may be. Popular pressure, mobilization and organization to demand its implementation are the elements that give life to these documents and make them work in the search of societal change.”*¹ – With this understanding, many of our organizations welcomed the adoption of the Tenure Guidelines by the Committee on World Food Security (CFS) in May 2012, after a negotiation process that lasted several years. These Guidelines mark a significant step in grounding the governance of land, fisheries, forests and their associated natural resources in human rights, stating as their paramount objective the improvement of tenure governance “with an emphasis on vulnerable and marginalized people” (para. 1.1). As such, they have contributed to advancing the international recognition of the right to land, which has been explicitly recognized by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP); and which was enshrined for other rural communities in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP), in 2018.

Many of us engaged in the negotiation process of the Tenure Guidelines as part of our struggles for food sovereignty and agrarian reform, and against land and resource grabbing. Since their adoption, we have used them to strengthen our own capacities, to hold state and corporate actors to account for human rights violations, to monitor and analyze policies, and to develop our own proposals for normative frameworks, which respect, protect and promote the rights of people and communities. In several countries, social organizations have succeeded to influence public policies and open up spaces of dialogue and negotiation with governments, local authorities and regional bodies. In some cases, this has led to new laws and policies that are in line with the content and spirit of the Tenure Guidelines.

We recognize that some governments and international institutions, including the FAO, have put in place programs and funding to promote and implement the Tenure Guidelines. However, most of the times, such programs have focused on technical approaches and measures, without addressing the structural causes of dispossession, land concentration and ecosystem destruction. Furthermore, many programs have failed to ensure coherence between human rights-based governance of tenure with other policy areas, including finance, investment, trade and environmental protection. Moreover, governments and institutions have largely failed to apply the Guidelines’ paramount principle of prioritizing vulnerable and marginalized groups, and have often pursued policies that promote corporate land deals and market-based approaches, thus undermining communities and people’s control over their lands, fisheries, forests and territories.² We regret that some governments have only paid lip service to the Guidelines while de facto ignoring them. Many governments of the Global North have further refused to apply them in their own countries, thus contradicting the Tenure Guidelines’ global scope (para. 2.4).

Human rights-based governance of land, fisheries, forests and their associated natural resources is impossible without addressing the structural drivers of exclusion, dispossession and inequality.

¹ CSO Evaluation document produced by the Land Tenure Working Group of the Civil Society Mechanism to the Committee on World Food Security (CFS), after the adoption of the Tenure Guidelines.

² The Guidelines on the Responsible Governance of Tenure at a Crossroads. International Statement, 10 December 2015, available at: <https://viacampesina.org/en/the-guidelines-on-the-responsible-governance-of-tenure-at-a-crossroads>.

Regrettably, we note that, ten years after the adoption of the Tenure Guidelines, land and resource grabbing continue around the world, resulting in alarming degrees of concentration of land and natural resources in the hands of a few powerful actors. The dispossession of people and communities from their lands, fisheries, forests and ecosystems is accompanied by violence against all those who defend their territories and ways of life, including killings of land rights defenders. Gender-based violence is rampant, as is violence against people of particular ethnicities and religions fueled by mounting ultra-nationalism, xenophobia and racism in many countries.

Resource grabbing and ever-increasing concentration of land and wealth are expressions and causes of interconnected food, economic, ecological, health, social and political crises, which require a profound transformation of our societies and economies, including an end to the industrial and corporate food regime, and corporate influence in governance. Climate change, the rapid loss of biodiversity and deteriorating environmental conditions are the main, most visible manifestations of the ecological crisis that threatens the survival of humanity. The COVID-19 pandemic has exposed the devastating consequences of the capitalist economic model and neoliberal policy regimes. Actions taken by states and international institutions have further exacerbated inequalities, violence and injustice, while recovery measures have disproportionately benefited corporations, financial firms and wealthy individuals. Conflict, occupation and war are on the rise in many parts of the world, causing suffering and hardship among populations, including displacements and distress migration. All these interconnected crises disrupt food systems, causing hunger and malnutrition. As the world faces rapidly rising food prices, we remind States and international institutions that the last major food price crisis triggered an unprecedented land and resource grab.

The responses by governments and international institutions to these existential crises have been more of the very same measures that are at the core of the problem:

- Expand rogue capitalism³ through the relentless financialization of land, territories and nature to create assets for speculation on capital markets;
- Put forward false solutions to climate change, biodiversity loss and ecosystem destruction, which serve a supposedly 'green'/'blue' version of capitalism, such as carbon markets, offsetting schemes, flawed "net zero" calculations and other so-called 'nature-based solutions';
- Impose more unjust trade agreements and global supply chains that are based on (neo)colonial extraction and exploitation patterns, and deepen indebtedness and inequalities at all levels;
- Create new, and exacerbate existing forms of privatization, dispossession and exclusion through corporate-driven digitalization;
- Undermine democracy and accountability through ever increasing corporate capture of policy spaces at all levels, including through 'multi-stakeholder' initiatives, public-private partnerships (PPP), private interest funding of public institutions and philanthrocapitalism ;
- Silence dissent and suppress grassroots organizing through criminalization and violence.

As a result, dispossession, exclusion, inequality and injustice have increased, thus contradicting the Tenure Guidelines' principles and States' human rights obligations.

³ www.foodsovereignty.org/wp-content/uploads/2021/06/Rogue_Capitalism_and_the_Financialization_of_Territories_and_Nature.pdf

As organizations of food producers, Indigenous Peoples, workers, urban communities and civil society we underline that guaranteeing the right to land is fundamental to the transformation toward sustainable, healthy and just social and economic models.

Based on our struggles in defense of our territories, commons and life, we are building true solutions to advance our vision of food sovereignty and its transformative potential to build a world in which the rights of all people to adequate, healthy and culturally appropriate food is realized. In particular, we are scaling up our bottom-up, people-centered models, through which we:

- Provide healthy and nutritious food to our families and communities as well as the entire population;
- Restore soils and ecosystems, and cool the planet through agroecological practices;
- Give life to a new paradigm for the interaction between human societies and nature, based on the understanding that Mother Earth is a living being with who we co-evolve in an indivisible, interdependent and complementary relationship;
- Further develop our own science and knowledge systems, combining ancestral knowledge with our own innovations;
- Build alternative economies that respect and serve the needs, rights and aspirations of working people and nature, including providing opportunities to invest in improving their production and livelihoods without having to indebt themselves;
- Recognize and value reproductive and care work, which is mostly carried out by women;
- Create urban territories that provide a safe, pleasant, healthy and sustainable place to live for people and communities, and rebalance rural-urban relations;
- Ensure social cohesion and peace by addressing the roots of conflicts and distress migration;
- Provide young people with opportunities to build a self-determined and dignified life, including by giving them a future in agriculture, fishing, animal herding as well as community food processing and distribution;
- Overcome structures of exclusion, domination and exploitation, including gender-based discrimination and violence, historic and current forms of colonialism, racism and subjugation of particular ethnicities and religions;
- Recognize and nourish the diversity of cultural and spiritual expressions within and beyond our communities.

The transition to just and sustainable social and economic models require the control of people and communities over their lands, fisheries, forests and territories.

- We therefore renew our commitment to use the Tenure Guidelines, as well as other human rights instruments, such as the UNDRIP and the UNDROP, to assert our rights to land and natural resources.
- We call upon States, the FAO and the entire UN system to implement the Tenure Guidelines, in accordance with their human rights obligations and prioritizing marginalized people, in order to address the structural drivers of land concentration and the dispossession of communities and people from their territories.

In particular, we demand that all States, the FAO and the entire UN system:

- Respect, protect and guarantee all tenure rights of peasants, small-scale fishers, pastoralists, forest dwellers, urban communities and Indigenous Peoples, whether officially registered or not, including their collective and/or customary tenure systems as well as fishing, usage and transit rights, among others. This also applies to all policies, programs and activities with foreseeable impacts in other countries, such as development cooperation, investment and trade.
- Guarantee the recognition, protection and restitution of Indigenous Peoples' territories, as well as reparations to peoples, groups, individuals and communities that have been arbitrarily dispossessed of their lands, fisheries and forests, including due to conflict, occupation and war.
- Adopt measures that guarantee the enjoyment of the rights to land and natural resources by women, youth and other disadvantaged groups to end the structural discrimination they suffer, collaborating whenever possible with communities and/or customary authorities, and giving them priority in public policies for the legal protection of tenure rights, as well as the restitution and redistribution of land.
- End global latifundia controlled by corporations and financial actors (banks, investment funds, pension funds, asset management companies, insurance companies, etc.), and promote a just and sustainable distribution of land and natural resources through public policies of redistributive agrarian reform, as well as the expropriation of land that does not fulfill its social function and/or whose use violates human rights or causes environmental destruction.
- Definancialize land and territories, for example by expropriating land that is acquired, managed or controlled through tax havens or financial centers, and by preventing microfinance institutions from contributing to tenure insecurity and land dispossession.
- Include the respect, protection and fulfilment of the rights to land and natural resources into post-COVID recovery programs, in order to address the increasingly unequal distribution of wealth and promote social, environmental and intergenerational justice.
- Subject all trade and investment agreements to public and democratic scrutiny to ensure that they do not have negative impacts on the rights to land, forests, fisheries and their associated resources of people and communities, and on environmental quality.

- Establish legal and normative frameworks and mechanisms to regulate and hold corporations and financial actors accountable, and end their impunity for human rights abuses and crimes against the environment, people and communities.
 - Establish a Sovereign Debt Workout Mechanism under the auspices of the UN that would comprehensively address unsustainable and illegitimate debt, including through extensive debt cancellation.
 - Establish a universal, UN intergovernmental tax body and negotiate a UN Tax Convention to comprehensively address tax havens, tax abuse by multinational corporations and other illicit financial flows through a truly universal, intergovernmental process at the UN, with broad and effective rights holders' participation.
 - Initiate democratic, bottom-up processes to restructure the global financial architecture in such a way that it serves the real economy, people and communities as well as ecosystems, including by supporting alternative economic models, such as social solidarity economy.
 - Incorporate the just and equitable distribution of land and territories in public policies addressing climate change and biodiversity loss, in order to promote small-scale food producers' agroecological modes of production and management.
 - Put in place effective measures to prevent further dispossession through resource grabs and the financialization of nature through carbon markets, offsetting schemes and under labels such as 'nature-based solutions', 'sustainable growth/finance', 'green'/'blue' economy, among others.
 - Ensure that natural resource-related digitalization processes, such as the use of digital technologies for the identification, registration, administration and management of tenure rights, are embedded in human rights-based tenure policies, and guarantee public interest control over digital data and infrastructure.
 - Put in place and implement frameworks and mechanisms to protect human rights defenders working in defense of land and nature, especially communities and groups collectively defending their territories.
 - Enact and strengthen legal mechanisms and frameworks to ensure timely and effective remedy and access to justice for people and communities whose rights to land, fisheries, forests and associated resources have been violated.
 - Put in place adequate infrastructure and provide essential services to promote healthy and sustainable livelihoods in rural, urban and peri-urban areas, including through public procurement programs.
 - Guarantee the effective and autonomous participation of small-scale food producers' organizations, workers, Indigenous Peoples as well as other rural and urban communities, in all governance and political processes related to land, through their chosen representatives.
- We call upon the FAO to take the lead in organizing another International Conference on Agrarian Reform, in order to coordinate a global response to the increasing and unsustainable concentration of land and natural resources in the hands of a few powerful actors. The process leading up to such a conference needs to ensure the adequate, effective and autonomous participation of rights holder organizations. States should provide financial support to enable such a conference.

List of signatories

International and regional organizations

La Via Campesina	Transnational Institute
International Indian Treaty Council	Focus on the Global South
World March of Women	Friends of the Earth International
World Forum of Fisher Peoples	Society for International Development
URGENCI	ActionAid International
FIMARC	CIDSE
Habitat International Coalition – Housing and Land Rights Network	Third World Network
Global Convergence of Land and Water Struggles – West Africa	Southeast Asia Regional Initiatives for Community Empowerment (SEARICE)
MAELA – Movimiento Agroecológico de America Latina y El Caribe	World March of Women – MENA
WoMin	International Collective in Support of Fishworkers (ICSF)
European Coordination Via Campesina (ECVC)	African Centre for Biodiversity
FIAN International	Pacific Islands Association of NGOs (PIANGO)
Agroecology Research-Action Collective	Inclusive Development International
	Institute for Agriculture and Trade Policy

National organizations

A Growing Culture (USA)	Brot für die Welt (Germany)
ÖBV-Via Campesina Austria	Candid Concepts Development (Bahamas)
Agora Association (Turkey)	CARI - Centre d'Actions et de Réalisations Internationales (France)
Alnawstif cooperative (Jordan)	CCFD-Terre Solidaire (France)
APN-Sahel (Association pour la Protection de la Nature au Sahel – Burkina Faso)	CEDECAM (Nicaragua)
Association for Farmers Rights Defense (Georgia)	Centro Agrícola Cantonal de Quevedo (Ecuador)
Association For Promotion Sustainable Development (India)	Clean Air Action Group (Hungary)
Australian Food Sovereignty Alliance	Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (Ecuador)
AwazCDS-Pakistan	COAG – Coordinadora de Organizaciones de Agricultores y Ganaderos (Spain)
Bangladesh Agricultural Farm Labour Federation	COFERSA – Convergence des Femmes Rurales pour la Souveraineté Alimentaire (Mali)
Biowatch South Africa	Comisión Intereclesial de Justicia y Paz (Colombia)
BIZILUR, Asociación para la Cooperación y el Desarrollo de los Pueblos (Basque Country)	Cultivate! (The Netherlands)
Boerenforum (Belgium)	
Border Agricultural Workers Project (USA)	

Dana and Qadisiyah Local Community Cooperative (Jordan)	National Family Farm Coalition (USA)
DKA – Dreikönigsaktion (Austria)	Network Movement for Justice and Development (Sierra Leone)
Enda pronat (Senegal)	Open Food Network Australia
Equidad de Género: Ciudadanía, Trabajo y Familia (México)	Pakistan Fisherfolk Forum
Fédération des Pêcheurs et des Fournisseurs du Poisson au Burundi	Pakistan Kissan Rabita Committee
Family Farm Defenders (USA)	Réseau des GASAP (Belgium)
FCIEX – Femmes Côte d'Ivoire Expérience	Rights and Rice Foundation (Liberia)
FIAN Austria	S.A.T – Sindicato Andaluz de Trabajadores/as (Spain)
FIAN Belgium	Sahabat Alam Malaysia – Friends of the Earth Malaysia
FIAN Burkina Faso	SAKAR (India)
FIAN Colombia	Saodat (Tajikistan)
FIAN Deutschland	Schola Campesina Aps (Italy)
FIAN Indonesia	Sin Olvido / Sin Olvido Tierra (Colombia)
FIAN Sweden	SACD – Social Action for Community and Development (Cambodia)
Financial Transparency Coalition (USA)	Social Democratic forum (Yemen)
Fondacioni Jeshil (Kosovo)	ISEC – Sociology and Peasant Studies Institute (Spain)
Food in Neighborhoods Community Coalition (USA)	SOS Faim (Luxembourg)
GUPAP – Gaza Urban & Peri-urban Agriculture Platform (Palestine)	Success Capital Organisation
Global Justice Now (United Kingdom)	Terra Nuova Centro per la Solidarietà e la Cooperazione tra i Popoli (Italy)
Grassroots International (USA)	Terre-en-vue (Belgium)
Green Scenery (Sierra Leone)	Toekomstboeren – La Via Campesina Netherlands
Groupe FIAN-Haiti	UACDDDD/NO-VOX (Mali)
JPIC Kalimantan (Indonesia)	Voluntary Services Overseas (United Kingdom)
Kenya Small Scale Farmers Forum	Working group Food Justice (The Netherlands)
Land Research Center (Palestine)	
Mouvement Action Paysanne (Belgium)	