

# Guidelines for tackling the food crisis and competition for land

*Access to land is an essential requirement for food security. The Voluntary Guidelines on the Right to Food, which were adopted by the FAO Council in April 2004, and the Voluntary Guidelines on Responsible Governance of Tenure of Land and other Natural Resources, which are due to be drawn up in the next two years, offer an important starting point for improving tenure security and implementing the human right to adequate food.*

The current trends show clearly that land is an increasingly scarce and disputed resource subject to diverse use interests.

Relentless population growth and climate change and the associated problems, such as progressive loss of land to development and the processes of erosion and desertification, hugely increase the pressure on land as a resource and on other natural resources. At the same time competition is growing for agricultural land because of increasing demand for food for the national and export markets, for energy production, urbanisation and the conservation of biodiversity.

The pressure on land as a resource has increased, triggered by the world food crisis, as wealthy states which are nevertheless dependent on food imports look for new land to cultivate outside their national boundaries: this activity, known as “land grabbing”, makes international headlines. By doing this, these states hope to reduce their dependency on volatile world market prices and stabilise the national food supply. The fact that investment interests evidently also focus on countries which themselves have a serious

problem with food security shows how great the potential is for attendant social unrest. The violent protests in Madagascar in early 2009 illustrate that this type of conflict presents a threat to peace and security which should not be underestimated. However, some states are hoping that foreign investments will provide additional state revenue and contribute to the development of the economy and infrastructure.

There is no doubt that secure property rights, entitlements and use rights together with equitable access to land are key requirements for sustainable rural development and global food security. But how can development cooperation help states to realise and ensure this equity in questions of land use and access so that national and global food security takes precedence over other land-use interests? What

possibilities are offered by human rights-based approaches? The Voluntary Guidelines on the Right to Food, which were adopted in 2004 by the 187 member states then in the FAO Council, can provide answers to these questions. Amongst other things, these guidelines require states to support and protect access to land and tenure security, in particular for women and poor, disadvantaged sections of society. The Voluntary Guidelines on Responsible Governance of Tenure of Land and other Natural Resources, which are due to be adopted in the next two years, can offer another important starting point for improving tenure security.

*Secure property rights and a fair access to land are key to sustainable rural development.*

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## *The Voluntary Guidelines on the Right to Food*

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The Voluntary Guidelines on the Right to Food address governments who have responsibility for implementing the right to adequate food. They refer to the right to food established in binding form under international law by Article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), and are intended to support states in implementing measures in various sectors which contribute to the realisation of the right to food. They provide an internationally accepted frame of reference and a comprehensive catalogue of proposals for implementing the right to adequate food.

Experience gained over many years of development cooperation, human rights work and social policy has gone into the production of the Voluntary Guidelines, as a result of active support from the German side. At the same time the German government has pledged its support for the national implementation of the guidelines.

The Voluntary Guidelines can only be implemented through an approach involving all sectors. They cover a broad spectrum of measures in the spheres of education, agriculture, democracy, rule of law, good governance, social security, economic development and market systems. In particular, the regulation of access to natural resources, especially to land and water, is an essential requirement for the global implementation of the right to adequate food (Guideline 8).

Three levels of obligation on states are defined in relation to the right to food:

1. The obligation to **respect** the right to food: this means that states may not endanger people's food security through any form of activity.
2. The obligation to **protect** the right to food: this means that states must ensure through appropriate regulation and policies that the food security of their populations is not damaged by other actors.

*Brimming rice bowls on a market in Laos are a symbol of food security.*

3. The obligation to **fulfil** the right to food: this means that states must actively promote food security for their population through political, economic and legislative measures.

These obligations on states can also be extended to respecting, protecting and promoting access to land, especially for poor population groups, in particular if their food security is dependent on access to land.

In addition to the primary national responsibility for the right to adequate food, the international obligations on states (known as extraterritorial obligations) should be observed more closely. This means, for instance, that industrialised and newly industrialising countries must ensure that their own policies (for example, in relation to biofuels) do not result in the displacement of smallholders and pastoralists from their land.

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## *The Voluntary Guidelines on Responsible Governance*

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Clearly, the present complex land issues cannot be resolved solely at national level, but require multilateral and global strategies as well. Because of this, many international agreements drawn up by the international community emphasise the importance of tenure and land management for sustainable rural and urban development. Since the end of the 1990s there has been a redoubling of efforts to establish land administration and management systems appropriate to the needs of each country. They include amongst other things measures to optimise management of state-owned land, registra-



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tion of private property titles, the development and introduction of land valuation systems, land-use planning and the development of land tax systems. In recent years the importance of good governance as an integral component has increased markedly. Much is now expected of the Voluntary Guidelines on Responsible Governance of Tenure of Land and other Natural Resources, which are currently being drafted by the FAO.

Since 2005, the FAO has been collaborating with international partners and bilateral donors on "Good governance in land tenure and administration", to focus more attention on this topic. Since 2008, the partners involved, including the German government as represented by the contributions made by GTZ, have been supporting the development of the Voluntary Guidelines on Responsible Governance of Tenure of Land and other Natural Resources. These new guidelines make reference to the Guidelines on the Right to Food already signed.

## Zusammenfassung

Zugang zu Land ist eine unabdingbare Voraussetzung für Ernährungssicherung. Die Förderung von sicheren und fairen Landzugangs- und Nutzungsrechten und die Förderung der Landwirtschaft und ländlichen Entwicklung sind zentrale Förderansätze der deutschen Entwicklungszusammenarbeit. Die Nutzung der „Freiwilligen“ Leitlinien zum Recht auf Nahrung“ sowie die Entwicklung und Nutzung der „Freiwilligen Leitlinien zu verantwortungsvoller Regierungsführung für den Zugang zu Land“ bieten wichtige Potenziale zur Verbesserung der Landrechtssicherheit und zur Umsetzung des Menschenrechts auf Nahrung

in Entwicklungsländern. Auch bei der Lösung der gegenwärtig zunehmenden Landkonflikte ist es wichtig, dass diese Leitlinien als international anerkannte Referenzrahmen von der Entwicklungszusammenarbeit beachtet und gefördert werden.

## Resumen

El acceso a la tierra es un requisito imprescindible para la seguridad alimentaria. El fomento de derechos seguros y equitativos de acceso y de uso de la tierra y el fomento de la agricultura y del desarrollo rural son enfoques centrales de la cooperación alemana para el desarrollo. La aplicación de las “Direc-

trices voluntarias sobre el derecho a la alimentación”, así como la formulación y aplicación de las “Directrices voluntarias de gestión gubernamental responsable para el acceso a la tierra” ofrecen potenciales importantes para la mejora del derecho de propiedad de la tierra y para la implementación del derecho humano a la alimentación en los países en desarrollo. También para la solución de los conflictos en torno a la tierra – que actualmente van en aumento – resulta importante que estas directrices se tomen en cuenta y se promuevan como un marco de referencia internacionalmente reconocido en la cooperación para el desarrollo.

The guidelines will be prepared to support the efforts of countries to improve the standard of behaviour pertaining to land and natural resource tenure and its administration. The work would seek to improve the governance of land and natural resources, with potentially significant economical and social consequences over both short and long terms. The voluntary guidelines will form a reference for combating weak governance and corruption in the land sector. They will be gender-sensitive, and address the needs of the poor and vulnerable. It would be an important political initiative that would receive global attention and raise awareness in the highest levels of government all over the world (FAO, 2008).

In the process of developing the guidelines, particular importance is being attached to collaboration with governments and civil society. Regional consultations, meetings of experts and electronic discussion forums dur-

ing 2009 and 2010 are intended to ensure the widest possible participation. Although the initiative for producing the guidelines comes from the FAO, their results and impacts will depend largely on discussions, decisions and the resulting “ownership” of the countries involved.

## Conclusion

Rights-based approaches to combating hunger and eliminating land conflicts should play a greater part in development cooperation. The Voluntary Guidelines on the Right to Food and on Responsible Governance offer international instruments which are also accepted by developing countries and encourage the harmonisation of international measures. They promote the achievement of the Millennium Development Goals (MDGs), especially MDG 1 (Eradicate extreme poverty and hunger) and MDG 7 (Ensure environmental sustainability). They

represent progress in that they cite specific obligations on states and recommendations for implementation. In addition, the recommendations contained in the Guidelines on the Right to Food, which promote participation, transparency, accountability, complaints procedures and the legal enforceability of the right to adequate food, promise greater effectiveness and sustainability of development cooperation measures.

Moreover, a human rights approach differs in that it concentrates state support measures on the poorest population groups in order to achieve a higher degree of social equity. Applied to the current problematique this means that promoting better access to land for poor rural population groups must take precedence over apportioning land to foreign investors. Furthermore, the provision of food for the country's own population must take precedence over the use of cultivated biomass for other purposes or for export. The state has an obligation to ensure this – an obligation that flows from the human right to adequate food.

You can obtain further information on this subject through the GTZ sector projects on global food security ([Marlis.Lindecke@gtz.de](mailto:Marlis.Lindecke@gtz.de)) and land management ([Dorith.von-Behaim@gtz.de](mailto:Dorith.von-Behaim@gtz.de)).

*The two Voluntary Guidelines may contribute to achieving the Millennium Development Goals, mainly to MDG 1: eradicate poverty and hunger.*

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