

To:

Mrs Gerda Verburg

Permanente Vertegenwoordiging van Nederland

Voedsel en Landbouworganisatie van de Verenigde Naties (FAO)

Wereld Voedselprogramma (WFP)

Internationaal Fonds voor Landbouwontwikkeling (IFAD)

Amsterdam, September 30, 2011

Dear Ambassador Verburg,

As you know, the final round of negotiations over the provisions of the FAO Guidelines for Responsible Governance of Tenure of Land, Fisheries, and Forests is coming up on October 10-14 at the FAO headquarters in Rome. As a group of organizations based in the Netherlands and as part of the Civil Society Mechanism (CSM), we have been closely involved in and following this process and especially the European Union's position. As the October round approaches, we would like to reaffirm to you the CSO position that the priority of these Guidelines ought to be security of tenure of small-scale producers, including small fishers and pastoralists, and so they should aim first and foremost to improve access to and control over land, water, fisheries and forests for these populations, as a mean to contribute to hunger eradication and to poverty reduction.

We ask for the strongest possible support from you in supporting this priority in October, and in supporting the positions that the EU delegation has held so far, and in working to support any further advances that can be made in affirming this priority. We invite you to see the attached document entitled "Guidelines for Responsible Governance of Tenure of Land, Fisheries and Forests CSO benchmarks for a successful October negotiation from a food security and sustainable development perspective", which maps out the overall contours of the CSO position going into the October negotiations.

Moreover, we would like to bring to your attention here several specific matters and to ask for your support especially on these.

In particular, we ask you to ensure that the EU delegation pushes hard

to get agreement in Section 12 (“investment and concessions”) on provisions that will protect small-scale producers, including small fishers and pastoralists, and promote existing local food production systems, including priority access to water resources, as both, together, constitute the cornerstone of food security and rural development.

We therefore call on you to support strong provisions to protect small-scale producers from being dispossessed from their lands, waters and forests, and ask that you support the CSO call to prohibit large-scale appropriation and concentration of land, water and other natural resources, and to impose maximum limits on the quantity of these resources that private investors (domestic and foreign) can control or own to avoid the transfer of land and resources from the commons/peoples’ territories to private hands; the concentration of resources in the hands of a few actors; and increased power by private companies over the productive structure of the country. In this, we point out the High-Level Panel of Experts’ (HLPE) call for States to focus on investing the financial, human and scientific resources needed to improve and strengthen small scale production especially of food, to assist small scale producers to achieve the necessary scale to access local and regional markets, and to improve their living conditions.

In addition, we call on you and the EU delegation to push hard to ensure that somehow water and other natural resources are well included in the VGs (not per se but as land resources). At the very least, text relevant to water and other natural resources agreed in the Preface in July should be adopted without being weakened and moved to Section 2 (“nature and scope”).

Finally, we would like to emphasize the Netherlands’ long tradition and strong position in defending human rights, and therefore we urge you and your colleagues in the EU delegation to fully support the protection of Human Rights to the utmost throughout this document. Indeed, we call on the EU delegation to strengthen its position regarding human rights standards. Since the very beginning the EU highlighted the reference to agreed human rights language as one of their general baseline. It is of utmost importance that the EU maintains this commitment throughout the entire negotiation on the text and doesn’t drop their position (as happened in July) mainly regarding: recalling/referring to existing human rights obligations (mainly in Part I and II), ensuring that the right to effective remedy is guaranteed under rights and responsibilities (agreed 4.9.), keeping the proposed provision against the criminalization of human rights defenders (agreed 4.8.), referring to agreed international standards related to forced evictions (Part 3 and 4), recalling/referring to existing rights of indigenous peoples (9.1.-9.11.) and strengthening the point on transboundary matters

(Section 22). Although almost the entire Section 3 (the most relevant regarding human rights obligations) has been reviewed in plenary in July, we all know the principle that “Nothing is agreed until everything is agreed”. The EU must at least ensure that human rights obligations are reflected in the other parts of the Guidelines.

At the last round of negotiations last July, we observed with deep appreciation the generally positive role of the EU delegation and particularly Germany, France and Belgium in those negotiations. In looking forward to October, we sincerely hope that you will join your EU colleagues in this respect, and play a role in strengthening the EU’s resolve even further, so that we can all work together towards a very good outcome that will actually ensure that small scale producers, local food production systems, and human rights are enhanced, and not undermined.

Sincerely yours,

Fiona Dove, director Transnational Institute

Danielle Hirsch, director Both ENDS

Daniel Gomez, chair Foodfirst Information and Action Network Netherlands with Sofia Monsalve Suarez, Land Program Coordinator, FIAN International

Hans Berkhuis, director Milieudefensie with Martín Drago, Food

Sovereignty Programme Coordinator, Friends of the Earth International

Ruud van den Hurk, director Nederlands Instituut voor Zuidelijk Afrika

(NIZA) with Ruchi Tripathi, Head Right to Food, ActionAid International

Greet Goverde Platform Aarde Boer Consument, with Guus Geurts, XminY

Solidariteitsfonds and Jacques van Neerpelt, Landbouwwerkgroep Groen Links