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sovereignty

“getting into a bind”: how the trade and investment regime blocks the development of agroecology and access to land

"Land, oceans, rivers, forests and nature as a whole, are not only a means of production, but also the foundations of life itself, of cultures and identities. They fulfill a social, environmental, cultural and spiritual function".

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“Getting into a bind”: how the trade and investment regime blocks the development of Agroecology and access to land

(by: Natalia Carrau REDES-Friends of the Earth Uruguay and Martin Drago REDES-Friends of the Earth Uruguay / Friends of the Earth International)

Editor - Kirtana Chandrasekaran - Friends of the Earth International

Picture: Edgardo Mattioli - REDES-Friends of the Earth Uruguay

Cover: Nicolás Medina - REDES-Friends of the Earth Uruguay

Design and layout: Nicolás Medina - REDES-Friends of the Earth Uruguay

Translation into English: Mercedes Eguiluz y Alberto Villareal

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**friends of the earth
international**

P.O. Box 19199
1000 GD Amsterdam
The Netherlands
Tel: 31 20 622 1369
Fax: 31 20 639 2181
info@foei.org
www.foei.org

Introduction

“Getting into a bind”: how the trade and investment regime blocks the development of Agroecology and access to land

"Land, oceans, rivers, forests and nature as a whole, are not only a means of production, but also the foundations of life itself, of cultures and identities. They fulfill a social, environmental, cultural and spiritual function". (IPC, 2016)

There are multiple unregistered impacts, which are made invisible or inadequately reported, that prove the agribusiness led agri-food system is deeply unfair in many ways and fails to deliver a solution for the inter connected global crises of hunger, poverty and environmental destruction - crises that urgently need to be addressed by international governance spaces. This paper argues that the current trade and investment framework promotes agribusiness and in fact aggravates its impacts because, it also blocks the development of agroecology and food sovereignty. The negative impacts of the prevailing trade and investment model, such as increasing hunger and poverty, are not measured or addressed because the hegemonic theoretical, conceptual and symbolic framework is dominated by the rationale of the capitalist system that gives value to food and farming based strictly on its economic profitability. This paper aims to contrast the logic and rationale behind investing in agribusiness Vs investing in agroecology.

The existing model of industrialized agriculture has little to do with feeding people. The expansion of the ways in which territories are interfered with intervened through the cultivation of flexible monocrops¹ has deep impacts on the soil, on biodiversity, natural goods associated with the territory², income and wealth distribution, culture and social/political relationships. Currently, this agribusiness model is being exacerbated by the rules, regulations and institutions imposed on states by the flow of trade and investments.

Trade and investment agreements including those under negotiation are generating significant limitations on the ability of countries to develop sovereign domestic policies. In addition, the agreements promoted by international financial institutions such as the World Bank or regional development banks and even cooperation and development aid policies are further entrenching and cementing the agribusiness model and the actors that benefit from it.

Speaking of agribusiness and agroecology in terms of models allows us to identify the main winners and losers and the logic

of each model. What kind of productive model does this framework promote and consolidate? Does it cement the sovereignty of countries over their natural goods or food sovereignty? Does it provide any space to modify this framework at the domestic level? Human, economic, social, cultural and environmental rights are under great pressure by the capitalist system and by agribusiness as the expression of that system in agriculture.

In terms of the rights that they respect, these models can be placed in opposing and excluding ends.

:: Getting into a bind: the trade and investment framework

The most widely promoted economic recipe, especially but not only for developing countries, insists that there is a direct link between the inflow of investments and increases in trade flows, and economic growth and development. This link is questionable, and also inaccurate, since there are a number of other elements that influence growth and development. Investments and trade do not necessarily bring development to a country simply due to the inflow of large amounts.

Development itself is a political concept made up of principles and theoretical guidelines as well as policies, programs and government plans that depend on the type of development model being pursued. The type of investment, the strategies to attract it, as well as the policies for the distribution of the profits generated by it, are all elements that determine whether these investments contribute to or obstruct a development strategy based on economic, social and environmental justice. Even when there are policies, programs and government plans in place to promote economic, social and environmental justice, if the trade and investment framework remains anchored on the current neoliberal premises and assumptions, it is unlikely that rights will be realized in the justice-based terms mentioned above.

How investments and trade in general contribute to development is directly linked to the power and ability of States to implement public policies. Currently, the trade and investment framework is undergoing some changes and increasingly undermining States' power (Barreto and Carrau, 2015a, 2015b; Barreto, 2016), by considering that the new barriers to trade are not only tariffs, but, especially, national laws.

Currently, free trade agreements under negotiation, known as "mega-regional" agreements,³ and new models of free trade agreements under negotiation or renegotiation⁴ have clauses that are broader in reach and in the type and number of issues they consider as trade-related, in contrast to existing agreements. (Barreto and Carrau 2016; Barreto, 2016) The main actors behind these agreements are transnational corporations (TNC) and the governments of pivotal countries, especially Europe and the US. These agreements are currently the frontrunners in international

negotiations related to trade and investments. In these agreements, profits and economic profitability margins are expanded. Hence, agribusiness will be one of the big winners if they are agreed.

It doesn't matter whether the country is European or Asian, if it is about workers or peasants and farmers, today, all peoples are subject to the power of transnational capital. Through agribusiness this power condemns land and other common goods, nature and even small scale food producers to the rationality and logic of economic profitability.

Tables 1 and 2 show the various instruments -- clauses, rules and institutions -- that the trade and investment regime imposes for the benefit of transnational capital. In the case of the Agribusiness model, these clauses and rules also promote the expansion of the TNCs that control the agrifood system.

Table 1: Features of the Investment Liberalization Institutional and Policy Framework

Non interventionist and managerial State

The State is characterized by not actively intervening in policies that could generate some type of distortion for markets and/or private actors. Social policies operate to safeguard medium or lower social classes and include them in the capitalist production and consumption scheme. However, they don't rectify the structural inequalities that arise out of the capitalist system itself and the models imposed in the different sectors, for instance Agribusiness.

The State in its managerial role ensures the legal security for investments more than the rights of people.

Promotion policies

Quantitative and qualitative incentives for the establishment of investments such as the creation of tax-free geographical spaces, exemption of direct and indirect taxes, subsidies for the consumption of services, subsidies for the hiring and capacity-building of workers, development of logistical and transport infrastructure, institutions for investor assistance, tariff opening, bans on performance requirements for investments, adherence to conditional credits, among others.



Table 1: (continued)

Protection policies

Adherence to the International Center for Settlement of Investment Disputes (ICSID) or other arbitration tribunals.

Signing of various Bilateral Investment Treaties (BITs) which contribute to more security guarantees for TNC.

Public policies open to transnational capital

Weak or non-existent public policies in productive sectors. In terms of industrial production, there aren't any restrictions to the entry of industrial products that compete with national products. Public policy-making follows the path of liberalization of investments by not influencing or affecting the establishment of investments with laws that could benefit national production. This comes at the cost of industries being in the hands of transnational capitals.

Capital and currency market

Free circulation of capital inflows and outflows. No restrictions on the transfer of capital to other countries. The financial sector tends to be liberalized and diversified with reference to the services it offers. There aren't any restrictions on the ownership of assets for foreigners, or at least these are not extensive.

International implantation

Diversified international implantation including the signing of bilateral, regional and/or plurilateral agreements directed to trade and investment liberalization.

In the framework of the World Trade Organization (WTO), the positions compatible with those of the US or the EU are the ones expected.

Source: Authors' own elaboration

Table 2: BITs, contents and their impacts

CONTENTS	DESCRIPTION AND IMPACTS
Treatment of investment	
Scope and definition of Investment	<p>The scope and breadth in the definition of what is considered an investment is extreme in the latest models of BIT signed and in the investment chapters of FTAs or mega-regional agreements. Technological and electronic changes, hand in hand with the increasing complexity and advance of intellectual property rights, also contribute to the fact that almost any material or immaterial aspect of human life can be traded or be considered an investment and with this, can be the subject of claims and dispute settlement.</p>
National Treatment Clause	<p>The country that receives the investment will grant this investment at least the same level of treatment as that granted to national investments. With this clause, the State loses its capacity and competence to implement public policies that develop national industries or sectors that are key for the national development strategy.</p>
Most Favored Nation Clause	<p>The country that receives the investment will grant this investment the same treatment as that granted to the most favored investor.</p> <p>Upon the emergence of a dispute between a TNC and the country that receives the investment, and under the protection of the BIT that the host country has signed with the home country of the TNC, the TNC can choose the arbitration tribunal where to place its claim. This is due to the Most Favored Nation clause that ensures the TNC the right to adopt any provision established in any other agreement of the host country with a third country, which is more favorable for the investment than the equivalent provision included in the BIT between the home and the host country of the investment.</p>
Fair and Equitable Treatment Clause	<p>The regulations or governmental actions by the country that receives the investment must be implemented in a way that guarantees a fair and equitable treatment for the investor. This clause allows for broad interpretations, given its subjective nature and the fact that the scope of what is considered "fair and equitable" is not clearly specified.</p> <p>It also prevents the State from being an active regulator of policies, especially those that involve its competence in terms of implementing public policies and governmental regulations.</p>



Table 2: (continued)

CONTENTS	DESCRIPTION AND IMPACTS
Investment Protection	
Guarantees and Compensation for Expropriations	<p>Direct or indirect expropriations are banned.</p> <p>Compensations can include damages generated by armed conflicts or civilian uprisings. In addition, the concept of expropriation itself is also subjective and many times controversial. Experience shows that due to the incentive to use expropriation as a reason to file a lawsuit against a State, this concept does no longer reflect the act of "arbitrarily" expropriating</p>
Free transfer of capital, funds and profits guarantees	<p>The country that receives an investment cannot restrict nor generate obstacles to capital inflows or outflows.</p> <p>This clause operates against the control the State and the corresponding authorities should exert on capital flows in order to avoid capital and fund flights that generate economic instability.</p>
Ban on performance requirements	<p>The implementation of requirements to ensure that the investment contributes to the economic development of the host country is limited or banned. Some examples of requirements are: hiring of national workforce, technology transfer, demanding certain national input percentages, among others.</p> <p>These requirements often operate as policies that allow for the internal development of national industries or strategic productive sectors for the development of the country.</p>
Dispute Settlement	
Mechanism and provisions for State-State or Investor-State dispute settlement	<p>When a dispute emerges between an investor and the host country, the investor has the right to file a lawsuit in an international arbitration tribunal specifically created to decide in these conflicts.</p> <p>This mechanism operates as a seal of guarantee for the investment and redeems the costs of installation for the investor. If anything that occurs during the establishment or development of the investment does not fall</p>



Table 2: (continued)

CONTENTS	DESCRIPTION AND IMPACTS
Dispute Settlement	
<p>Mechanism and provisions for State-State or Investor-State dispute settlement</p>	<p>within what was foreseen and does not comply (in the investors' opinion) with its profit expectations, the investor has the opportunity to build a case that can be taken to an international arbitration tribunal. This can be done even if the investor has exhausted the judicial process in the host country.</p> <p>Regulatory chilling-effect</p>

Source: Authors' own elaboration, based on: (Carrau and Valdomir, 2012; Barreto and Carrau, 2015a)

:: The new agriculture: Capital flows in, commodities flow out

Agriculture is considered today a highly profitable sector for investments and one responsible for important flows of global trade. This export-oriented agriculture is not necessarily based on the production of food in the strict sense of crops to feed people. Rather, agriculture is seen today as a space for capitalist businesses to make a profit and not as a sector responsible for food production, generation of jobs and livelihoods for small scale producers, among other elements. This form of agriculture is interested mainly in the production of commodities which could be for example animal feed, biofuels, oils for various industries, ie not intended as a priority for feeding people.

In the same manner that a particular way of understanding food is promoted through images of supermarkets (eg. perfectly packaged food, convenience above all else, illusion of choice), industrial agriculture is promoted through images of technification, huge machinery and business executives with expensive suits. This is because agriculture is shown to be an area that can generate huge profits for investors, attractive returns on capital, and as a way to hedge investments in more conventional sectors, that were made risky after the financial system crisis in 2008.

Such a way of viewing things through the lens of economic premises framed in the capitalist system, blurs the fact that to talk about agriculture and agrifood systems means talking about public interest and peoples' rights. Agribusiness' impact on consumption translates into a standardization of food products, imposing a culture of apparent perfection. As a result a variety of inputs are used such as technological and agrochemical inputs and the financial resources that go with them. This model tears apart the producer-consumer relationship, generating false antagonisms such as the schism between the countryside and city and the related one of backwardness versus modernity.

All the links in the agrifood chain are currently determined more by the rationale of the exchange value than the use value⁵. When goods, production factors and productive sectors are more valued for their exchange value than their use value, the main goal of that good, factor or sector is obscured. In the case of agriculture, the main goal should be to ensure peoples' food sovereignty. This is in fact the goal of agrifood systems that are not dominated by Agribusiness.

- ∴ The neoliberal trade and investment regime considers that agriculture can be highly profitable only through large scale production of flex crops: crops with multiple uses which have reached very attractive prices in the financial markets.

Most of the soy produced in South America is used for animal feed, and in lower percentages, processed for human consumption as soybean oil, for example. The countries that produce these crops find themselves as part of the links with the least added value in the chain and that generate fewer jobs: cultivation, storage and commercialization of the grain. Something similar happens with the large-scale production of oil palm in Africa and some Latin American countries.

Finally, we also need to take into account that one of the features of agribusiness is that it is sustained on a patriarchal approach to reproductive relationships. Agribusiness accentuates the difficulties that women already face because it exacerbates the conditions of vulnerability for millions of women. Food production is done in some cases mainly by women. The tensions generated by agribusiness prevent millions of women from accessing their livelihoods and income, further entrenching the different forms of violence to which they are subjected and their existing difficulties to access land. (Nobre, 2011)

∴ Land: Social purpose or economic profitability?

The case of land is emblematic in this process of disruption of the genuine value of agriculture for peoples. The use value of land is a crucial part of the real significance of a "territory". It is not only a production factor for agriculture, as a commons it has other values, and its use has to be linked to the general and public interest. In agriculture, small scale food producers are the main actors that interact with the territory.⁶

Land is a key element of the territory and it has to be understood in its double role as a "basic material foundation for social development, and as a social production resulting from the human activity" (Echavarría, 2001: 220-221) that has transformed it. The territory is a "means or sphere that can be cultural, social, political" (Echavarría, 2001: 220-221), economic and spiritual.

Therefore, we consider that the social purpose of land is closely related both to its productive dimension (food production, shelter and source of food for animals, etc.) and its cultural, political and spiritual dimensions. Understood in this way, it constitutes an essential element of agroecology.⁷

For different small scale food producer groups, land is both an essential element for their livelihoods and also an element of conflict. Precarious access, conditioned access or the complete lack of chances to access land is for all of these producers something that impairs their lives.⁸

In the context of agribusiness, land becomes a good that is valued more for its exchange value than for its use value, a good for which investors have found multiple uses: direct purchasing, leasing for production, purchase and partition to sell plots, as financial asset etc..

Access-to-land related conflicts have dramatically multiplied as a result of the expansion of agribusiness and other extractive industries. The circumstances associated with these conflicts generated concern in many international governance spaces, such as the Committee on World Food Security, which in its 38th (extraordinary) period of sessions, on May 11, 2012, passed the "Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security". (IPC, 2016)

This instrument is the first one with a global reach that addresses the rights associated with land tenure and that acknowledges violations of those rights, recognizing the rights of peasants, indigenous people, artisanal fisherfolk, women and pastoralists to access land, fisheries, forests and other natural goods; and that incorporates as rights the different forms of land tenure, including customary rights and communal land use systems (IPC, 2016).

Access to land is also related to many other rights. The indivisible nature of human rights means that if one right is affected, other rights are violated and impacted. When speaking of land we need to make reference to a broad diversity of other rights involved: right to food, to housing, to a healthy environment, to health, among others.

At the same time, there are economic processes that emerge outside of a given territory but that have direct and indirect impacts on it. This is particularly the case with the trade and investment framework --while it is commonly touted as delinked from what happens in the territories, it is indeed very related because it is in that sphere where the instruments that negatively impact the rights of small scale food producers come to life.

Continues on page 12

Table 3: AT CENTESPREAD: COMPARING MODELS

Agroecology Model



Key actors

Peasants, fisherfolk, pastoralists, indigenous peoples, social movements and organizations, women, urban communities and consumers.

They are all political agents of change for the Agroecology-based food production and consumption model.

Conception and view

Agroecology provides autonomy to food producers. Workers are seen as what they really are: communities, local producers, movements, organizations, not only as pieces in a productive chain. Local knowledge as well as the commons are seen as sacred, seeds contain life that must be protected and they must be multiplied by local communities to keep their use value.

Women stand on an equal footing with men and play a fundamental role in small scale food production.

Role of the State

- * Guardian of rights: policies of equality, care, distribution of wealth and attention to vulnerable populations.
- * Promoter of agrarian reform and policies that prevent and combat land concentration, land grabbing and increasing foreign control.
- * Intervention in economy: regulator of financial and investment flows
- * Policy of care.

Agrobussines Model



Key actors

- * Transnational companies
- * Governments of pivotal countries
- * Host country to the investment
- * International Financial Institutions and government agencies

It is through these actors that the system is reproduced and regenerated.

Conception and view

The commons, nature itself, people and food are seen as valuable goods and as pieces of the productive chain. Therefore, people are seen only as workers in a supply chain, nature is seen as a market itself that contains goods and even services that can and must be sold in the market, and seeds are mainly property rights.

Women stand on unequal footing with men, being displaced to obscured roles and activities.

Role of the State

- * Manager and promoter of policies to attract investments (guardian of property rights vs. human rights protection)
- * Limited merely to the administration of capitalism.
- * Investor power positions the State as an ally for its own interests.
- * The State is pressured to act as private security of TNC investments.

Tabla 3: (continued)

Agroecology Model



Impacts

Economic justice: redistribution of resources and wealth, public investments that are responsible with the land and the commons.

Environmental justice: environment protection, sustainable management of resources, reestablishment of balances within nature and reconstruction of a balanced relationship between people and nature.

Climate justice: "Cools down the planet", offers solutions for climate change adaptation and mitigation, consideration for the natural and energy balances required for the sustainability of life.

Social justice: Equality in social, productive and reproductive relationships.

Related rights and principles

- * Collective rights: Indigenous Peoples and peasants
- * Right to access the Commons
- * Right to Food
- * Right to a Dignified Living
- * Human Right to Water
- * Right to Information
- * Holistic view and Sovereignty over the territory.
- * Feminist economy and sustainability of life

Agrobussines Model



Impacts

Economic justice: loss of sovereignty in the implementation of public policies, indebtedness and overindebtedness, instability of markets as a result of financial deregulation, limits on the State as the actor responsible for the protection of the rights of the population, privatization of basic services and public companies.

Environmental justice: loss of knowledge and biodiversity, displacement of small scale food producers, land grabbing (concentration and increasing foreign ownership of land).

Climate justice: further aggravation of climate change and the impacts of temperature rise.

Social justice: Concentration of wealth and widening of the gap between rich and poor people, increasing inequalities, loss of human, economic, social, environmental and cultural rights, power imbalances and criminalization of protests.

Related rights and principles

- * Right to private property, capitalist and patriarchal economy
- * Investment protection and promotion (National Treatment, Most Favored Nation, Performance Requirements Ban, Imposition of Transparency Criteria clauses)
- * Intellectual property rights, private-based approach, privatization and commodification
- * Clauses included in trade rules

Source: Authors' own elaboration on the basis of: (Nyéléni 2007 International Steering Committee, 2007; Forum's Steering Committee, 2016; Justiça Ambiental – FoE Mozambique, 2015)

For example, one of the most controversial issues in international trade and investment negotiations, which is relentlessly included in the agreements is Intellectual Property Rights, especially those related to agriculture, such as seed patents and plant variety protections. In this case, the dispositions included on this matter not only expose nature to aggressive privatisation, they also restrict to a great extent the possibility of undertaking and developing a dignified living in the territory, driving out peasants and indigenous peoples and affecting the countries' food sovereignty.

Many trade agreements also include provisions on climate change that are mandates from the climate negotiations. These provisions are used to put pressure on developing countries so they expose nature to market regimes such as carbon markets. The resulting grab of territories for these markets exacerbates lack of peoples' access-to-land. In addition, these provisions are also used to offset the responsibility of developed countries.

Another expression of this process is the promotion and expansion of energy crops. The promotion of these "agrofuels" is based on the false assumption that they are a solution to climate change. The European Union (EU) has enacted policies that commit to the reduction of greenhouse gases through the replacement of fossil fuels with energies classified as renewable. These policies pushed European companies into an aggressive land acquisition race (grabbing) in developing countries for agrofuels production⁹. These policies have been recently modified due to the impacts they generated.

:: The European Union as the engine of agribusiness:

European transnational corporations linked to agribusiness are not the only actor expanding and imposing this model. As a governance body, the EU issues decisions and political resolutions that promote the expansion of the model with the resulting impacts. At the same time, and especially since the launch of the "Global Europe: competing in the world (...)" strategy of 2006, the EU has pursued a very aggressive and clear goal as a bloc in all political spheres, especially on trade and foreign policies. The focus is on liberalization of international trade and opening of new markets for their companies. This strategy is made up of measures that promote aggressive clauses in issues such as

intellectual property or services. While the policies and measures implemented since then have undergone some changes, this strategy proved to be the fundamental kick-off for the expansion of European TNCs.

The EU is today a supranational governing body with broad influence: it finances development, technical assistance and investment funds dedicated to support (through funds and loans) agroindustrial companies with investments in Africa. For instance, the Technical Assistance Facility (TAF) is financed by the European Commission and managed by the International Fund for Agricultural Development (IFAD). TAF does not only fund companies with oil palm plantations in Africa, it is also co-sponsored by the Alliance for a Green Revolution in Africa (AGRA¹⁰) (WRM, 2016). *"Acceptance of the Green Revolution ideology has led to a series of decisions and actions that ignore the particular cultural, environmental and economic context of African small-scale farmers (ACB 2015c)."* (ACB, 2016: 5).

At the same time, development banks from Germany, Belgium and the Netherlands also intervene in this jigsaw puzzle of financiers and investors. Many companies and large scale projects in Africa replicate this same scheme. (WRM, 2016).

The impacts of these investments and initiatives have given rise to significant concerns regarding the destination of European public funds and about the private initiatives that are supported by European institutions. (WRM, 2016).

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:: Contrasting agribusiness and agroecology

In the previous pages we made reference to actors, instruments and general processes. The contact points between the territory and the trade/investment regime are mediated by these actors, instruments and processes. Following is a table that summarizes the analysis of both models, containing a series of categories that make up the pieces of the models and help understand how agribusiness establishes and entrenches itself in the territories, and its impacts. At the same time, it shows the solutions proposed by agroecology and identifies the ways in which Agribusiness

limits the possibilities to promote and consolidate agroecology. Table 3 shows the kind of impacts each of the models generates. It is important to underscore that some of those impacts are often not visible: either because they are not viewed as impacts by the economic perspective that only acknowledges the profits from investments, because they are externalized and thus made invisible, or because they are not measured adequately. Not registering the impacts hinders the debate on the negative impacts of Agribusiness while allowing them to continue promoting their, model as a false solution to global problems such as poverty, hunger and climate change.

:: Recommendations for the consolidation of Agroecology

The trade and investment framework as it currently operates and on the basis it is built raises limitations, restrictions and vulnerabilities for the consolidation of Agroecology as a viable model. Following are some recommendations on how to deal with these **limitations**, restrictions and vulnerabilities to allow the consolidation of agroecology.

It raises limitations because all the instruments that could generate incentives for the development, promotion and consolidation of agroecology focus on agribusiness and are focused on and targeted for agribusiness. Clear examples include funds for technical cooperation, incentives and exemptions included in investment promotion laws, specific credit lines, cooperation for development and even food aid.

- ▶ **Recommendation:** instruments aimed at agrifood systems should take into account the substantial contributions of agroecology and establish adequate incentive, credit and cooperation lines that are consistent with the model. Reforms of the trade and investment framework should take into account the contributions of agroecology so that they do not include clauses that promote and further entrench agribusiness. At the same time, their redesign must include the active and effective participation of small scale farmers, who responsible for the production of 80% of food consumed (SOFI, 2015: 31).

It places **restrictions** because many of the plans, programs, and policies established through the dynamics of trade and investment promotion agreements among countries or regions also impregnate the domestic policies and national agricultural programs with private interest oriented instruments and the narrow pursuit of economic profitability. In Africa this is even more the case, given that the structural weakness of the State and public institutions in itself determines that the policies promoted are tailored to reflect the interests of the big agribusiness actors, without taking into account whether the technologies imported are appropriate, nor the composition of the communities where projects are established, or even the singularities of the territory in terms of biodiversity, plant genetic resources, forms of production, etc.

- ▶ **Recommendation:** The social subjects of agroecology must be fundamental in the design and implementation of national public policies, including them in a participatory way, understanding the dimension of their productive activities and their importance. The technologies applied need to be adapted to the needs of small scale food producers and based on their extensive experience. Tools adopted should aim to expand their production and activities. Restricting the promotion channels for agribusiness' monocultures is a necessary condition to develop the full potential of agroecology. On the other hand, the policies of the key pivotal countries, cooperation agencies, international financial institutions and development banks need to respect the sovereignty of developing countries in designing and implementing their own policies in relation to agriculture, including those that contribute to the food sovereignty of those countries. Technical and food aid cooperation policies must be reformed to allow for genuine cooperation, instead for as an instrument for the introduction of foreign technologies of large TNCs and the promotion private interests over peoples' rights.

It generates **vulnerabilities**, since the impacts of agribusiness -- both those that are visible and those that are made invisible -- generate hunger, malnutrition, loss of biodiversity and soil fertility, it violates human rights in general and the right to food in particular, it undermines economic/social justice and the sovereignty of countries by aligning their domestic regulations to what trade agreements allow, and it further aggravates the effects of climate change.

- ▶ **Recommendation:** Recognition of agroecology as an alternative model to agribusiness in as much as it offers real solutions to problems that are of global concern cannot be only rhetorical and discursive. Such recognition needs to be translated into concrete public investments that allow for the promotion and consolidation of the main protagonists of these real solutions. It also implies the recognition of their needs and their rights, and the violations of the latter to which they are subject. Reducing the vulnerabilities generated by the current trade and investment framework also means balancing the scale in favor of peoples' rights. A significant contribution on that regard would be to finally establish a legally binding instrument that deals with the violations of human rights by TNC11.

A different but complementary way to see the differences that separate both models is to analyze the policies that can promote and/or strengthen Agroecology and Food Sovereignty. Table 4 below highlights proposals that develop the perspectives of agroecology.

Public policies are needed to promote agroecology, but it is also necessary to change our perspectives and move away from premises that only value a given system for its monetary contributions.

Table 4: Policies for Agroecology and Food Sovereignty

<p>Policies for Economic Justice</p>	<p>Reform of the investment promotion and protection regime: higher status and priority for State competences and power regarding public policy making; dispute resolution limited to the national jurisdiction; elimination of clauses that undermine the implementation of public policies.</p> <p>Promotion of trade relations based on cooperation. Agriculture, biodiversity, nature and issues that are sensitive for the public interest are not matters for trade negotiations.</p> <p>National and regional investment policies that give priority to the role played by small-scale food producers and are consistent in terms of management and access to land as a right.</p> <p>TNCs need to be accountable to binding instruments for their human rights violations, including of economic, social, cultural and environmental rights.</p>
<p>Policies for social justice</p>	<p>Promotion of equality in social, production and reproduction relations through care policies that address the unequal distribution of care related and reproductive tasks among genders.</p> <p>Resource transfer policies for the most vulnerable populations, taking into account the specificities of policies targeted for rural areas and the demands raised by small scale food producers.</p>
<p>Policies for gender equality</p>	<p>Policies that promote co-responsibility in reproductive tasks, leaving room for women to take the lead in decision-making in all spheres.</p> <p>Visibilization of the importance of women's tasks in food production, promoting policies that improve their access to land, and other productive resources.</p>

Table 4: (continued)

Investment Policies for food sovereignty

Public investment targeted at small scale food producers. Valorization and recognition of the role they play in nutrition and of the need to strengthen their role.

Promotion and investment to develop and support agroecology and food sovereignty: short commercialization circuits, public food procurement policies, price regulation and oversight of the quality of industrialized food, among others

Promotion of appropriate technologies for agroecology, including banning agribusiness inputs and technology packages that threaten natural goods and biodiversity.

Policies for Environmental Justice

Public, democratic and sovereign energy policies, in line with equity and social justice.

Active public policies to protect the environment and local biodiversity and territories, including monitoring systems for environmental pollution and extractive industries, wherever they exist.

Recognition and valorization of the contribution of agroecology to reducing greenhouse gas emissions and enhancing resilience to the impacts of climate change.

Source: Authors' own elaboration, based on analysis: (Forum's Steering Committee, 2016; Barreto and Carrau, 2015a, 2015b; Barreto and Carrau 2016; Barreto, 2016)

Notes

1 This refers to the cultivation of monocultures of 'flexible commodity crops'. Commodity crops that can have several food and non food uses such as for animal feed, energy and commercial purposes, including agrofuels, raw materials for processed food, cosmetics etc. Cultivation of these crops is suitable to selling on global commodity markets where prices rise and fall based on the demand from the different industries.

2 We understand territory as a social construction of the space (Santos, 2000) on which the values and traditional knowledge and actions of those who inhabit it are reflected.

3 They are called mega-regional agreements due to the investment flows they involve, the size and relevance of the economies involved in them, and the sheer reach of the negotiations. The most widely known are the Transatlantic Trade and Investment Partnership (TTIP), the Trans Pacific Partnership (TPP), and the Trade in Services Agreement (TISA).

4 In Latin America, two of the main FTAs that are being renegotiated are the FTA between Chile and the EU and the FTA between Mexico and the EU. In both cases, the provisions are including the kind of rules and conditions found in mega-regional agreements.

5 The contradiction between the use value and the exchange value is established by David Harvey as one of the contradictions of the capitalist system: "The use values are infinitely varied (even for the same item), while the exchange value [...] is uniform and qualitatively identical [...]". The example given by Harvey to illustrate the difference between both values is the issue of housing and the real-estate market in the US. (Harvey, 2014: 31)

6 The term small scale food producers refers to: peasants, family farmers, rural workers, indigenous people, hunters, gatherers, artisanal fisherfolk, pastoralists. (Forum's Steering Committee, report of the International Forum for Agroecology, 2015).

7 Forum's Steering Committee, report of the International Forum for Agroecology, Nyéléni Center, Sélingué, Mali, February 24-27, 2015.

8 *Ibidem*.

9 One of the most significant examples of policies promoted by the EU in this regard is the European Renewable Energy Directive adopted in 2009 that came into force in 2010. Its goal is to reduce greenhouse gas emissions by increasing renewable energies.

10 The Alliance for a Green Revolution in Africa (AGRA) is an initiative managed by individuals very close to transnational company Monsanto that recommends modern technological "solutions" such as GMOs. A scheme that is repeated in Africa is the use of land degradation as an excuse for introducing new agribusiness technologies and technology packages that are promoted at the expense of development programs of international and regional agencies.

11 See the 8 proposals submitted by social organizations in the Written contribution of the Global Campaign to Dismantle Corporate Power and End Impunity to the first session of the intergovernmental working group in charge of producing a legally binding international instrument on transnational corporations. Available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/WGTansCorp/Session1/Global_Campaign_to_Dismantle_Corporate_Power_andStop_Impunity_June-2015_sp.pdf

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