

MONOCULTURES AND HUMAN RIGHTS

Guide for documenting violations of the right to adequate food and housing, to water, to land, and territory related to monocultures for industrial agriculture production





FIAN INTERNATIONAL

Willy-Brandt-Platz 5
69115 Heidelberg, Germany
Tel.: +49-6221-6530030
Fax: +49-6221-830545
E-mail: fian@fian.org
<http://www.fian.org>



**HABITAT INTERNATIONAL COALITION
REGIONAL OFFICE LATIN AMERICA (HIC-AL)**

Tacuba # 53, 1er piso, Col. Centro
06000 México D.F., México
Tel: +52 (55) 55 12 15 86
Telefax: + 52 (55) 55 12 67 26
E-mail: hic-al@hic-al.org
<http://www.hic-al.org>

Authors:

Sofia Monsalve Suárez (FIAN)
Maria Silvia Emanuelli (HIC-AL)

Translated by Nikki Smirl
Printed on recycled paper
Published in Heidelberg, June 2009

Thanks to Misereor for supporting
this publication.



MONOCULTURES AND HUMAN RIGHTS

Guide for documenting violations of the right to adequate food and housing, to water, to land, and territory related to monocultures for industrial agriculture production

Table of Contents

1 Introduction	5
-----------------------	----------

2 The conceptual and normative human rights framework	7
2.1 The human right to adequate food (HRAF)	
2.2 The human right to adequate housing (HRAH)	
2.3 Forced Evictions	
2.4 The rights to land and territory of indigenous populations and ethnic communities	
2.5 The human right to water	
2.6 Obligations of the States	
2.7 Responsibilities of transnational corporations (TNCs) and other business enterprises in the sphere of human rights	

3. Problems posed by monocultures for industrial agriculture production and the principal types of violations of the right to adequate food and housing, to water, and to land and territory, that are related to the production of monocultures.	14
3.1 Forced Evictions	
3.2 Loss of food autonomy and food sovereignty	
3.3 Discrimination against indigenous and peasant family farming	
3.4 Destruction of biodiversity, pollution, over-exploitation of natural resources, and climate change	
3.5 Increased discrimination against rural women	
3.6 Dangerous and inhumane working conditions	

4. How to identify and document violations of the rights to adequate food, housing, water, land and territory due to monocultures for industrial agriculture farming	18
4.1 Basic file for documenting a case	
4.2 Supplementary questionnaires for contextual information	

1 Introduction¹

According to FAO, monoculture is the agricultural practice of cultivating a single crop over a whole farm or area. The conventional/productive agricultural system, also known as the industrial model of agriculture, is characterized by its preference for monocultures and large-scale agriculture - utilizing intensive production practices that rely heavily on the use of capital, technology and external petrochemical inputs. It orients itself towards the national market and increasingly more towards the global market due to the liberalization of commercial agriculture and food security policies based on international trade. Since the 1950s, the industrial agricultural model was established with considerable State support. In recent times, it has enjoyed massive backing from private investors. In recent decades, however, criticism of this agricultural system has increased to the extent that the following negative effects of it have become evident: concentration of access and control of land, water, and natural resources consistent with the eviction of peasants and indigenous peoples from their places of origin/habitation; alarming degradation of soils and water sources, and the destruction of natural ecosystems; deforestation, and the significant production of greenhouse gases that contribute to climate change; destruction of rural economies and cultures, and the consequent forced evictions, displacement and forced migration to the cities; poor working conditions on plantations, and the intensive use of pesticides that affect the health of the workers and neighboring communities, as well as the production of food with a questionable nutritional quality, appalling sanitary conditions and the proliferation of diseases caused by this type of food.

In recent years, the production of agrofuels (ethanol and other fuels that have their origins in processed corn (maize), sugar cane, palm oil, soy and other foods) has become a strategic area of investment for many countries. Large energy consumers like the United States and the European Union are heavily promoting the production of agrofuels in order to reduce their dependency on external fossil fuels and as a supposed form of clean energy to reduce gas emissions and pollution worldwide. Meanwhile, other countries like Brazil, Malaysia, Indonesia and Colombia also advocate aggressively for agrofuels at the regional and international level. This situation has worsened and made visible the problems that are already known to be linked with the industrial agriculture production of monocultures. It also serves as a co-facilitator in causing rising food prices.

This guide aims to analyze the problems most highly associated with the industrial agriculture production of monocultures, including forest plantations, from a human rights perspective. The guide intends to be a tool that will assist communities and their supporting organizations that are affected by monocultures-outlining, identifying and documenting, violations of human rights associated with monocultures. Similarly, the guide hopes to help better monitor the effects of the expansion of agrofuels, and also help the affected communities utilize human rights in their advocacy strategies so that they can eventually take their complaints to the national and international systems of human rights protection. The focus of the guide will center on the effects of this agriculture system on the poor rural population and on the sustainable production of food. The guide will not analyze the effects of this system on the health of food consumers.

¹ We would like to thank the following people for their invaluable contributions to the elaboration of this guide: Christian Courtis and Federica Donati from the UN Office of the High Commissioner on Human Rights; Priscilla Claeys, Assistant to the UN Special Rapporteur on the Right to Food; Julieta Rossi and Nicholas Lusiani from ESCR-Net; Juan Carlos Morales from the Inter-American Platform for Human Rights, Democracy and Development, Colombian Chapter; Frank Brassel from the Investigation System of the Agrarian Problem of Ecuador (SIPAE); Carlos Aguilar from Grito de los Excluidos Mesoamerica; Diego Alejandro Cardona from CENSAT Agua Viva, Colombia; and Shivani Chaudhry from the Housing and Land Rights Network - South Asia Regional Programme.



2 The conceptual and normative human rights framework

The States that have ratified the International Covenants on Human Rights- the International Covenant on Economic, Social and Cultural Rights (ICESCR)² and the International Covenant on Civil and Political Rights (ICCPR)³ both from 1966- have legal obligations connected with the realization of human rights, including the rights to food and adequate housing, and the right to water (Art. 11 of the ICESCR). The States that have ratified Convention 169 of the International Labour Organization (ILO)⁴ concerning Indigenous and Tribal Peoples of 1989, have obligations regarding the realization of the rights of ethnic communities and indigenous peoples to land and territory (ILO Convention 169). Here, we briefly present the normative content of these rights that are most closely related to agriculture. The States and specialized agencies of the UN tend to regard agriculture only from an economic and commercial viewpoint. The human rights obligations that States must meet in relation to food production, and regarding those people whose livelihoods depend mainly on agriculture and the protection of (or relation with) the place in which they live, are woefully neglected in the majority of cases.

2.1 THE HUMAN RIGHT TO ADEQUATE FOOD (HRAF)

According to General Comment (GC)⁵ No. 12 of the ICESCR from the UN Committee on Economic, Social and Cultural Rights (CESCR)⁶, the HRAF is exercised when “every man, woman or child, alone or in a community with others, has physical and economic access at all times to adequate food or means for its procurement”. The CESCR has identified these basic elements that comprise the HRAF as:

1. **Availability** of food: directly from productive land or other natural resources.
2. **Availability** of food: through food distribution systems, processing and market systems that move food from its place of production to places where it is needed- on demand.
3. **Economic accessibility** to food: implies that the financial costs associated with the acquisition of food should be at a certain level so that basic needs can be met and are not threatened. The economic accessibility applies to any method of food acquisition.
4. **Physical accessibility** to food: implies that food should be accessible to all, including physically vulnerable people who cannot supply food for themselves, victims of natural disasters, and other groups that depend on their attachment to a specific area for their livelihood (indigenous people, pastoralists, others).
5. **Sustainability** of the availability of and access to food: long-term food security (sustainable use of natural resources needed for food production). Economic sustainability: income and food prices.
6. **Adequacy**: not only refers to the quantity, but also the quality of food that must comply with the human physiological needs at different stages of the life cycle. In addition, the food should be culturally appropriate and acceptable.
7. **Human rights principles**: universality, indivisibility, interdependence, equality and non-discrimination, attention to vulnerable groups, participation and inclusion, priority attention to vulnerable groups, transparency, and accountability.

2 To view ICESCR, visit: http://www.unhchr.ch/html/menu3/b/a_ceschr.htm

3 To view ICCPR, visit: http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

4 To view ILO Convention 169, visit: <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C169>

5 The General Comments are interpretations by the CESCR regarding the content of the ICESCR, and, as such, contribute to define the scope of these articles. They have already begun to operate as an authoritative source of interpretation for internal application by the State government.

6 To view the complete version of General Comment 12, visit: <http://daccessdds.un.org/doc/UNDOC/GEN/G99/420/15/PDF/G9942015.pdf?OpenElement>

2.2 THE HUMAN RIGHT TO ADEQUATE HOUSING (HRAH)

According to Article 11 of the ICESCR, “The States Parties participatory States in the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties participatory States will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.” According to General Comment (GC) No. 4 of the ICESCR⁷ the right to adequate housing is the right to live anywhere in security, peace and dignity.

The UN Special Rapporteur on adequate housing has defined the human right to adequate housing, as: “The right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity.”⁸

GCNo. 4 indicates that in order for housing to be considered adequate, it must have these 7 fundamental characteristics:

1. **Legal security of tenure.** Tenure takes on a variety of forms (rental, cooperative housing, lease, owner occupied, emergency housing and informal settlements- including occupation of land or property). Whichever the type of tenure, all persons should possess a degree of security of tenure, which guarantees legal protection against eviction, harassment and other threats.
2. **Availability of services, materials, facilities and infrastructure.** Must possess certain facilities essential for health, safety, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, to electricity for cooking, heating and lighting, to sanitation and washing facilities, food storage, and disposal of waste, drainage and emergency services.
3. **Affordability (cost appropriate to the level of income).** The cost of housing should be at a level that does not impede upon or compromise the fulfillment and enjoyment of other basic needs. The States should adopt measures to ensure that the percentage of expenditure on housing will be proportionate with income levels, and establish housing subsidies for those who cannot afford housing, as well as guarantee the natural materials that form the backbone of material for housing construction.
4. **Habitability.** Provide adequate space and protect its occupants from the cold, humidity, heat, rain, wind, or other threats to health, from structural hazards, and sources of disease, as inadequate housing is invariably associated with higher mortality rates.
5. **Accessibility (without discrimination and by all social groups).** Adequate housing must be attainable by all. The disadvantaged groups should have complete and sustainable access to adequate resources for housing, and special needs should be addressed. Laws related to housing should ensure priority consideration to disadvantaged groups (the elderly, children, physically disabled, terminally ill, HIV-positive individuals, and people with persistent medical problems, the mentally ill, victims of natural disasters, and other groups of people). States should support the right of everyone to a safe place to live in peace and with dignity, including access to land as a right.
6. **Adequate location.** Must be in a location that allows access to employment options, healthcare services centres, childcare centres, schools, and other social services. The financial and temporal costs to get to work and return home should not impose excessive demands on the budgets of poor families. Housing should not be located on contaminated sites, or be vulnerable to natural disasters that threaten the right to health of the inhabitants.

⁷ To view the entire General Comment 4, visit: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+comment+4.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CESCR+General+comment+4.En?OpenDocument)

⁸ Report of the Special Rapporteur on adequate housing, Miloon Kothari, E/CN.4/2006/41, 21 March 2006.

- 7. Cultural Adequacy.** The matter in which the housing is constructed, the materials utilized, and the policies behind it, should allow for adequate expression of cultural identity and diversity of housing. Activities related to development or modernization in the housing sphere should be carried out without sacrificing the cultural dimension of the housing, and should ensure, among other things, access to modern technological services.

These elements of “adequacy” have further been expanded by civil society organizations as well as the UN Special Rapporteur on adequate housing, to include: physical security; participation and information; access to land, water and other natural resources; freedom from dispossession, damage and destruction; resettlement, restitution, compensation, non-refoulement and return; access to remedies; education and empowerment; and freedom from violence against women.⁹

2.3 FORCED EVICTIONS

According to GC No. 7 to the ICESCR¹⁰, forced eviction is defined as the permanent removal of individuals, families, and/or communities from their homes and/or lands that they occupy, on either a permanent or temporary basis, without offering them appropriate measures of protection, legal or otherwise, or allowing access to these measures of protection. The evictions can stem from conflicts over land rights, development and infrastructure projects, or result from the implementation of monocultures, or because of violent situations, etc. The same GC establishes that the cases of forced evictions are *prima facie* (in principle) incompatible with the requirements of the ICESCR and are only justifiable in the most exceptional circumstances, and in accordance with relevant principles of International law. International law creates legal obligations, in particular for the States, and rights for the people threatened with eviction. The forced evictions are always attributed to decisions, laws and policies of the States, or to those that have failed to impede third parties (individuals, companies, etc.) from carrying out the evictions.

Forced evictions constitute gross violations of a number of internationally recognized human rights, in particular, the right to adequate housing. The right to food is also often severely affected, since, in many cases, the evicted persons also lose their access to the source of their livelihood, whether land or a job. In the same manner, the right to water can be affected, seeing as that evicted persons frequently face difficulty in accessing water.

As a result of forced evictions, people are often left homeless and destitute, without means of earning a livelihood and, in practice, with no effective access to legal or other remedies. Forced evictions are often associated with physical and psychological injuries to those affected, with a particular impact on women, children, persons already living in extreme poverty, indigenous peoples, minorities and other marginalised groups.¹¹

The UN *Basic Principles and Guidelines on Development-based Evictions and Displacement* (henceforth *Guidelines*), presented by the Special Rapporteur on adequate housing and formally adopted by the Human Rights Council in December 2007,¹² provide further direction and operational guidelines regarding the different stages of eviction. The Guidelines aim to minimise evictions, call for sustainable alternatives, wherever possible, and emphasise that evictions can only take place in “exceptional circumstances”. In the event that evictions are inevitable, the Guidelines lay down certain non-negotiable human rights standards that must be respected and upheld.

9 These include the Housing and Land Rights Network (www.hlrn.org). See reports of the UN Special Rapporteur on adequate housing (<http://www.ohchr.org/english/issues/housing/index.htm>), in particular, see Questionnaire on Women and Housing, Annex 3, A/HRC/4/18, February 2007. (<http://daccessdds.un.org/doc/UNDOC/GEN/G07/106/28/PDF/G0710628.pdf?OpenElement>).

10 To view the complete General Comment 7, visit: [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CESCR+General+Comment+7.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CESCR+General+Comment+7.En?OpenDocument)

11 See: Handbook on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, Housing and Land Rights Network and YUVA, New Delhi, November 2008.

12 Human Rights Council Resolution 6/27, A/HRC/6/L.11/Add.1, 19 December 2007. Available online at: http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_6_27.pdf.

2.4 THE RIGHTS TO LAND AND TERRITORY OF INDIGENOUS POPULATIONS AND ETHNIC COMMUNITIES

In the field of international human rights law, the rights to land and territory of indigenous peoples and ethnic communities are recognized. ILO Convention 169 (Art. 13-16)¹³ recognizes the right to territory of the concerned people which obliges governments to, “respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.” (Art. 13) The protection afforded by Convention 169 also includes the right to *ownership* and *possession* over the lands they traditionally occupy and the utilization of lands that are not exclusively occupied by these people, but which they have traditionally had access to in accordance with their customs. “The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.” (Art. 15) The people should not be removed from the lands that they occupy. When the relocation of these people is considered necessary as an exceptional measure, such relocation should only be carried with their free and informed consent (Art. 16).

The UN Declaration on the Rights of Indigenous Peoples, adopted by the UN General Assembly on December 10th, 2007¹⁴, provides absolute protection against the dispossession of lands, territories and resources (Art. 8b), and the right not to be forcibly evicted from their territories without free, prior, and informed consent (Art. 10); while, recognizing the right of the communities to lands, territories and resources that they have traditionally owned, occupied, or utilized, as well as traditional property, and the State obligations to recognize and protect this right and various systems of land tenure (Art. 26).

It is important to stress the link between the right to land and other human rights, including the rights to adequate housing, food, security, work and health. Land is not only a productive resource but also a means of subsistence for the majority of the world.

There is enough evidence and support for the normative formulation of an international human right to land. This has also been emphasized in reports of Special Rapporteurs, including the Special Rapporteurs on adequate housing and the right to food.

International case law, especially in the Inter-American human rights system has also explicitly recognized the human right to land.

The human right to land is also implicitly recognized and protected in the following, among others:

- Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles), 2 May 2005
- FAO Voluntary Guidelines on the Right to Adequate Food, November 2004
- Declaration of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance
- Habitat Agenda 1996
- Declaration on Social Progress and Development
- World Summit on Sustainable Development Plan of Implementation 2002
- General Assembly resolution 1803 (XVII) of 14 December 1962, “Permanent sovereignty over natural resources”
- Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995.

13 To view the complete Convention 169, visit: <http://www.ilo.org/ilolex/cgi-lex/convds.pl?C169>

14 To see the entire Declaration, visit: <http://daccessdds.un.org/doc/UNDOC/GEN/N06/512/10/PDF/N0651210.pdf?OpenElement>

2.5 THE HUMAN RIGHT TO WATER¹⁵

Although the human right to water is not explicitly recognized in the ICESCR, the Committee on Economic, Social and Cultural Rights (CESCR) considers that it is covered by paragraph 1 of Article 11¹⁶. The right to water is also inextricably related to the right to the highest attainable standard of health (paragraph 1 of Art. 12)¹⁷ and the right to adequate food and housing (paragraph 1 of Art. 11)¹⁸. In addition, the Committee has devoted GC No. 15 of the ICESCR to the interpretation of the right to water¹⁹. In this document, the right to water is defined as the right of everyone to have water that is sufficient, safe, acceptable, accessible and affordable for personal and domestic uses.

The Committee believes that this right fits very clearly into the category of guarantees essential for securing an adequate standard of living, because it is a necessary condition for survival. Even though it is noted in the GC that in the allocation of water, priority must be given to use it for personal and domestic ends, States must also recognize that they need to treat this good as an asset that is indispensable for the exercise of other rights such as the right to food and adequate housing, environmental health, health, right to earn a living by working, and the right to enjoy certain cultural practices.

That which is deemed adequate for the exercising of the right may vary according to different conditions prevailing in each region. Five factors are listed below that can be applied in all circumstances:

1. **Availability.** This means that the supply of water for each person must be sufficient and continuous for personal and domestic uses.²⁰
2. **Quality.** Water should be free of agents that can be harmful to health: microorganisms and chemical or radioactive substances. Because in the world, especially in less developed countries, a high percentage of diseases are transmitted through water, the Committee has dedicated itself in establishing this resource that people can have access to as one which is healthy, with an acceptable color, odor and taste. For the development of national standards to ensure the safety of drinking water, the Committee refers to the Guidelines for drinking water quality issued by the World Health Organization.
3. **Physical Accessibility.** Having the right to water supposes that the water installations and services should be within a safe physical distance to all sectors of the population. Every home²¹, educational institution or place of work should have a water supply or at least the possibility of having access to one that is in his or her immediate vicinity.
4. **Affordability or economic accessibility.** Water, and facilities that provide access to it, must be affordable in relation to the income of individuals. The Committee states that the costs associated with supplying water should not compromise the ability of individuals to access other essential goods such as health, education, housing and other rights.
5. **Non-discrimination.** Based on the concept of non-discrimination, the Committee states that healthy water and services must be physically and economically accessible to all people—especially those that historically have been unable to exercise this right because of race, religion, national origin or any other grounds that prohibited them.

15 The following presentation was taken from Gutiérrez, Rodrigo, „El Derecho Fundamental al Agua en México: un instrumento de protección para las personas y los ecosistemas” en Cuestiones Constitucionales, no. 18, enero-junio 2008, IJ-UNAM, México DF.

16 Refer to the paragraphs 5 and 32 of the General Comment No. 6 (1995) of the Committee, relative to the economic, social and cultural rights of the elderly.

17 Refer to General Comment No. 14 (2000) concerning the right to enjoy the highest possible level of health, paragraphs 11, 12a), b) and d), 15,34,36,40,43 and 51.

18 Refer to section b) of paragraph 8 of the General Comment No. 4 (1991). Refer also to the report of the UN Special Rapporteur of the Human Rights Commission on adequate housing as part of the right to adequate food, Mr. Miloon Kothari (E/CN.4/2002/59), presented in compliance with the resolution 2001/28 from April 20th, 2001. In relation to the right to adequate food, refer to the report by the UN Special Rapporteur of the Commission on the right to food, Mr. Jean Ziegler (E/CN.4/2002/58), presented in compliance with the resolution 2001/25 of the Commission on April 20th, 2001.

19 To view the complete version of General Comment 15, visit: <http://www1.umn.edu/humanrts/gencomm/epcomm15s.html>

20 “Continuous” means that the frequency of the water supply is sufficient for personal and domestic use.

21 The home can be considered permanent housing or simply a temporary accommodation.

2.6 OBLIGATIONS OF THE STATES

In its doctrine, the ESCR Committee has recognized two types of obligations for ESCR²²: the general legal obligations that are intended for immediate applications, and specific obligations.

General obligations

- The obligation to adopt measures for the progressive realization of rights to the full extent of the available resources, and its corollary of the prohibition of regressive measures: in accordance with General Comments Nos. 4, and 12, 15, this obligation involves a legal duty to move as expeditiously as possible towards the realization of the rights to adequate housing and food, and water in accordance with Article 2.1 of the ICESCR and General Comment No. 3 of the ESCR Committee on the nature of the obligations of States Parties. Furthermore, note that it is understood that the principle of progressivity implies a prohibition to return, meaning that the State cannot take regressive measures that affect the realization of ESCR. Regressive measures would be, for example, ending land reform programs in a situation where a significant percentage of people are still landless.
- Non-discrimination: States should immediately ensure that no person is discriminated against in regard to his/her exercise of rights to housing and access to food, or the means to produce it, on grounds of race, color, sex, language, age, religion, political opinion or any other opinion, national or social origin, economic position, birth or any other social condition, with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of ESCR, which would constitute a violation of the Covenant.

Specific Obligations

The rights to adequate food and housing, as well as the right to water- like any other human rights- impose three types or levels of obligations on States Parties at the national level: the obligations to respect, protect and fulfill. The obligation to respect existing access to adequate food and water requires that States Parties shall not take any action that destroys or hinders access. In relation to housing rights, the obligation requires, among other things, that the State refrain from carrying out, sponsoring or tolerating forced evictions. The obligation to protect requires measures by the State to ensure that neither businesses (corporations) nor individuals deprive people access to adequate food and water, nor carry out forced evictions. The obligation to fulfill means that the State must actively strengthen the population's access to resources, means and basic services, and their use, and provide certificates or other measures to ensure legal security of tenure, equal ownership rights for men and women, and protection against eviction. Furthermore, States Parties have extraterritorial obligations under which steps must be taken to respect and protect the enjoyment of the right to food and water in other countries, to facilitate access to food, and to provide assistance when needed.

²² Refer to GC No. 3 of the CESCR, the Limburgh Principles on the Implementation of the ICESCR, edited by a group of experts in 1986 and adopted by the UN-Doc. ONU E/CN.4/1987/17, and the Maastricht Guidelines on Violations of Economic, Social and Cultural Rights in 1998 that have been employed by the CESCR to evaluate the reports of the States and develop the General Comments.

2.7 RESPONSIBILITIES OF TRANSNATIONAL CORPORATIONS (TNCS) AND OTHER BUSINESS ENTERPRISES IN THE SPHERE OF HUMAN RIGHTS

Due to the increasing influence of transnational corporations and other business enterprises in the economies of most countries and in international economic relations, the UN human rights protection system began, a few years ago, to discuss the responsibilities of these TNCs and enterprises with respect to human rights.

In 2005, the UN appointed John Ruggie for a period of two years as Special Representative of the UN Secretary-General on business and human rights. In 2008, the Human Rights Council renewed the UN mandate for another 3 years. In April 2008, the Special Representative submitted his final report entitled “Protect, Respect and Remedy: a Framework for Business and Human Rights” which was adopted by the Human Rights Council in June 2008. This report is organized around three basic principles: the State duty to protect against human rights abuses committed by third parties- particularly businesses, the obligation of businesses to respect human rights, and the necessity for more effective avenues to gain resources. The three principles form a complementary set in which each principle supports the others in order to achieve sustainable progress.²³

²³ For information about the mandate of the Special Representative, and to view the complete reports in English, visit: <http://www.business-humanrights.org/Gettingstarted/UNSpecialRepresentative>

3. Problems posed by monocultures for industrial agriculture production and the principal types of violations of the right to adequate food and housing, to water, and to land and territory, that are related to the production of monocultures.

Male and female small-scale farmers, as well as other small-scale food producers, have protested for more than two decades the expansion of industrial agriculture production that is, in large part, to blame for their poor living conditions. Only recently, however, has their protest been echoed in scientific and intergovernmental spheres. In April 2008, the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD)²⁴ was published. That assessment was the result of a multidisciplinary and intergovernmental process that lasted 5 years and included the participation of multiple stakeholders, as well as all specialized agencies of the United Nations involved in food, agriculture, natural resources, environment and health. The assessment states that in the last 60 years the System of Agricultural Knowledge, Science and Technology (SAKST), was successful in generating knowledge and technological innovations whose adoption and use by certain producers contributed to increased productivity and agricultural production, and improved the competitiveness of conventional/productive system oriented towards markets and export. However, the SAKST has not given sufficient priority or resources to issues related to the environment, social inclusion, reduction of hunger and poverty, equality, diversity and cultural affirmation. Traditional/indigenous systems have remained outside of the SAKST agenda, while the agro-ecology has remained at the margins of the SAKST. As options for action the assessment recommends: "Successfully meeting development and sustainability goals and responding to new priorities and changing circumstances would require a fundamental shift in AKST, including science, technology, policies, institutions, capacity development and investment. Such a shift would recognize and give increased importance to the multi-functionality of agriculture, accounting for the complexity of agricultural systems within diverse social and ecological contexts. It would require new institutional and organizational arrangements to promote an integrated approach to the development and deployment of AKST. It would also recognize farming communities, farm households, and farmers as producers and managers of ecosystems. This shift may call for changing the incentive systems for all actors along the value chain to internalize as many externalities as possible. In terms of development and sustainability goals, these policies and institutional changes should be directed primarily at those who have been served least by previous AKST approaches, i.e., resource-poor farmers, women and ethnic minorities." ²⁵

Despite growing criticism, the industrial agricultural system still acts as a "modern", "efficient", and "safe" system essential for solving the problem of hunger and malnutrition in the world. In the name of "development" and agricultural modernization, millions of peasant and indigenous families have been expelled from agriculture, and in many cases from their land as well, to make way for large industrial monoculture. An increasing number of these monocultures employ genetically modified seeds with high risks to the biodiversity and health of those that they are intended to represent. Despite the social, cultural and environmental impact of the monocultures on local communities, which tend to be very similar to the mega-projects associated with dams or mining, monocultures are generally perceived as less problematic and continue to expand with State support. The governments do not implement policies and regulations necessary to reverse and remedy the adverse effects of industrial agriculture.

To continue, we will analyze, in terms of human rights, the main problems associated with monocultures that may constitute violations of human rights of affected communities.

3.1 FORCED EVICTIONS

Expectations of profit generated by the agro-export business and more recently by the increase in agrofuels and rising food prices, have triggered a strong demand for land and water to expand monocultures. In several countries, indigenous and other rural communities have complained that this expansion has caused a large number of land conflicts, and that they have been harassed and forced to abandon their land by various methods. Forced evictions of people and entire communities, carried out violently in many cases by public security forces or paramilitary groups, is one of the most common methods in forcing people to abandon their lands.

²⁴ To see the complete assessment, visit: <http://www.agassessment.org/>

²⁵ Ibidem, Executive Summary.

As mentioned above, forced evictions are, in the first place, violations of the right to adequate housing and other human rights like the right to food, water, land and territory, health, education, work, personal safety, security of home, freedom from cruel, inhumane and degrading treatment, and freedom of movement, among others. To commit or allow forced evictions, States infringe upon their obligation to respect and protect access to adequate food and housing, as well as to land and territory. In addition, States generally do not take charge of resettling the victims of these evictions, who, in most cases suffer from hunger and loss of livelihood and end up facing a serious deterioration in their living conditions.

3.2 LOSS OF FOOD AUTONOMY AND FOOD SOVEREIGNTY

A key element of the right to adequate food is the direct availability of food, either from productive land or other natural resources, i.e. the ability of people to feed themselves with a secure control over land, water, seeds and other resources needed for food production. States have an obligation to facilitate access to, and use of, productive resources by marginalized social groups like the landless, indigenous peoples and peasant/farmer men and women with little land. According to the Task Force on Hunger of the UN Millennium Project, about half of people suffering from hunger in the world are small-scale farmers, and nearly two tenths are landless. A smaller group, approximately one tenth, are pastoralists, fisherfolk and forest users. Forced evictions and lack of access to land and productive resources are now common patterns of violations of the right to food worldwide. The increasing pressure on land and water, triggered by the aggressive promotion and expansion of monocultures, is resulting in the large transfer of natural resources from the hands of rural and marginalized groups, and an accelerated re-concentration of resources. This especially affects the rights of indigenous peoples, pastoralists, peasants, forest dwellers, and other land-dependent communities to control, use, manage and preserve their lands and territories. Additionally, the new interest by powerful economic agents in purchasing land and speculating in real estate has caused the increase in land prices, and counteracts the redistributive policies of agrarian reform. There is urgent need for States to comply with their obligation to facilitate access to and use of productive resources. These factors exacerbate existing erosion of food autonomy and food sovereignty of rural communities.

3.3 DISCRIMINATION AGAINST INDIGENOUS AND PEASANT FAMILY FARMING

As the IAASTD report acknowledged, the public policies of the past 60 years have discriminated against the traditional indigenous and peasant agricultural farming systems, as well as the agro-ecological systems. While industrial agriculture enjoys subsidies and broad public support controls the best lands, and has access to abundant water, as well as road and energy infrastructure, the peasant and indigenous family agriculture does not have secure nor sufficient access to good quality lands, nor sufficient water for irrigation. The peasants and indigenous groups find themselves in remote and marginalized areas, and generally work under extremely precarious conditions. Peasant family agriculture was severely affected by the implementation of structural adjustment programs during the 1980s, which led to the liberalization of agricultural trade and the dismantling of public systems of agricultural extension services, credit, collection, distribution and trade, as well as mechanisms of price stabilization. In countries like Mexico, the destruction of much of the peasant economy resulted in a forced mass exodus to cities and to the United States.

Another specific form of discrimination against male and female peasants and indigenous peoples are the contract farming schemes. In some of these schemes, the farmer receives a loan to buy seeds and chemicals, while paying fees and administrative, management, licensing and contracting service fees to the company. The company determines the price of seeds and services, as well as the price at which the products can be purchased. The producers are not allowed to sell to other companies. Most of these programs are designed so that the small producers rely extensively on the large agricultural companies who control the prices, processing and distribution of production. The small peasants generally cannot benefit from good agricultural prices, as those who control the marketing process monopolize these gains. In many cases, the small producers risk losing their land if they cannot compete to stay in business. In addition, cases have also been reported of abuse by the companies that breach contracts with the farmers, which often leads to a dire situation and food insecurity for the latter.

3.4 DESTRUCTION OF BIODIVERSITY, POLLUTION, OVER-EXPLOITATION OF NATURAL RESOURCES, AND CLIMATE CHANGE

There is abundant literature on the genetic weakening and destruction of biodiversity caused by monocultures. Similarly, deforestation due largely to monocultures like soy and palm oil, in addition to destroying wild food sources, is responsible for producing 17.3% of total global emissions of CO₂ according to the Intergovernmental Panel on Climate Change (IPCC). By sector, industrial agriculture is mainly responsible for 13.5% of emissions. Industrial agriculture practically emits the same amount of greenhouse gases as does the transportation sector, which is a significant factor contributing to climate change.²⁶ Furthermore, monocultures require intensive use of fertilizers and chemical pesticides that destroy biodiversity, contaminate lands, rivers, groundwater, and springs. Monocultures are also depleting freshwater- a scarce resource. With the growing competition for freshwater, its uses tend to become less and less sustainable which affects particularly marginalized communities in particular. The stable and long-term supplying of food is part of the State obligations regarding the right to food. By failing to protect and ensure sustainable use of natural resources needed for food production, particularly on behalf of marginalized groups, States are violating the right to food and water of the affected communities.

3.5 INCREASED DISCRIMINATION AGAINST RURAL WOMEN

The strong pressure for a shift from food crops to industrial crops bears the risk that men would take under their control land, water, and other productive resources from women so that they may use the women's former resources for planting higher-value cash crops. Therefore, export crops and the production of agrofuels can exacerbate the inequality of access to land between men and women. This risk is particularly large in the case of so-called marginal lands and/or communities in Asia, Africa and Latin America, where there is promotion of a particular crop for cultivation such as jatropha, among others. The destruction of biodiversity due to industrial agriculture production disproportionately affects poor, rural women, undermining their knowledge of the traditional uses of wild plants as food, fodder and medicine. The depletion of natural resources, especially water, can result in the violation of the right to food for women, since the production of agrofuels makes the task of supplying water more difficult. Due to the increasing "feminization of agriculture" – with many men migrating out of rural areas, agriculture is largely being controlled by women farmers in many countries. Hence the effects of monoculture farming and the takeover of land are felt more greatly by women. The absence of land titles in their names and their limited access to credit and other resources also makes the situation worse for women.

3.6 DANGEROUS AND INHUMANE WORKING CONDITIONS

Dangerous and inhumane working conditions in plantations have been documented in several countries. Serious violations of the rights of the workers, for example, on sugarcane and palm oil plantations range from the overexploitation of workers to the prohibition of the formation of labor unions, and the imposition of forced and child labor. Working conditions, especially in the sugarcane sector, are degrading and dehumanizing, and do not conform to the provisions of international human rights law. In countries like Philippines or India, the sugarcane harvesters are subjected to extremely poor conditions regarding food and accommodation, while labor relations are outsourced to third party cooperatives, which undermine their labor rights. Moreover, the current labor conditions in the harvesting of sugarcane can compromise the physical integrity of workers, because they are victims of serious illnesses resulting from their working conditions and malnutrition. In some cases, the workers die as a result of these conditions. Exposure of the workers to pesticides is one of the most common problems in this sector. States have an obligation to protect the workers from these disgraceful working conditions.

²⁶ IPCC. 2007. Climate Change. Mitigation of Climate Change.



4. How to identify and document violations of the rights to adequate food, housing, water, land and territory due to monocultures for industrial agriculture farming

There is a violation of any of these rights when the State fails to meet its obligations relating to them. The obligations States are expected to comply with were explained in section 2. Violations normally manifest by an injury or a threat relative to the right in question. In many cases, the violation of a right coincides with threats or includes violations of other rights. To test the occurrence of a violation or threat of a violation of a right, it is necessary to identify the following elements:

- The obligation(s) that should have been fulfilled by the State, but which were not fulfilled because of some act or omission. By way of example: in a forced eviction committed by police under a legal order, the State violates the obligation to respect existing access to housing and food. In an eviction carried out by private militias, the State violates the obligation to protect the affected community from this attack by a third party. By not strictly regulating the use of pesticides and chemicals, the State fails to protect communities from those who use these products in an irresponsible manner.
- The occurrence of the act or omission that causes harm. It is necessary to be very precise about the act committed by a determined State authority that causes the damage, such as the dismantling of agricultural extension services for small producers or the granting of subsidies to monoculture cultivators that do not respect environmental and labor legislation. Similarly, the omission of a State can cause damage. For example, if the State does not have adequate labor laws to protect the workers from exploitation, or if these laws are not effectively implemented because the employers do not respect the labor rights guaranteed by law.
- The identification of the agent or agents engaged in State action or inaction. In each case it is imperative to accurately identify what authorities acted or failed to act in a certain circumstance. It may be one or more authorities at various levels.
- The victims of State action or inaction, that is, the persons and/or group or community that suffers from the damage caused directly by the State or by third parties- for example, members of a farming cooperative that had to sell their land to an investor because they lacked State support and could not continue to produce; or a group of women who can no longer gather wild fruits for their livelihood because the forest to which they had access was felled to make way for a plantation.
- The damage or injury suffered by victims, or the potential harm resulting from a situation that can be estimated with reasonable certainty. The damage can be an injury, or destruction of crops and homes during an eviction, reduced food consumption due to the loss of land or the income derived from the farming or fishing, damage to health from exposure to pesticides or contaminated water sources.
- The causal link between the failure of State action and the damages. It is essential to demonstrate that the act or omission of a State agent is the cause of the damages suffered by victims. An indigenous group, for example, must demonstrate that their lands and waters are being damaged by the activities of a company planting monocultures in their traditional lands, that the indigenous group depend on these resources for their collective existence, that the government did not consult them when leasing these lands to the company, and that this action of the government is causing harm to the health and nutritional status of the members of the indigenous group.

- In documenting violations of human rights it is very important to gather as much information as possible about each case. In the same manner, it is necessary to provide contextual information to enable a better understanding of the case. One should try to not only report on a certain situation, but to also report in a certain way: What happened, and how have the human rights of an individual or a community been violated? It is necessary to demonstrate that a right recognized by international human rights law has been violated or is in danger of being violated. To help document these violations, we have developed the questionnaires that are presented below. These questionnaires are not intended to be more than initial questions to gather the elements mentioned in the above paragraph, and be able to identify the violations of rights to housing, food, water, land and territory. However, it is obvious that every circumstance has particular characteristics that may require adaptation of the questions, and even the development of new questions. It is important to bear in mind that the type of information that needs to be collected depends largely on the political-legal strategy that affected communities are choosing to defend their rights. Thus, if the strategy of mobilization and advocacy is aimed primarily at the local and regional level, the information required would be different than the information necessary to construct a strategy to put pressure on agents at the national and international level. Please try to answer as many questions as possible, but do not be discouraged if you cannot answer them all.

4.1 BASIC FILE FOR DOCUMENTING A CASE

Information about the victims of a violation

Name, address and, if possible, the telephone number or email of the person, organizations or community affected

.....

.....

.....

Exact place where the violation occurred (name of the zone, region, state, country)

.....

Number of women, men and children affected

.....

Ethnic group and language spoken by the persons affected

.....

Principle occupation of the persons affected

.....

Name, address, telephone number, e-mail of the organizations supporting those affected, in the instance that these organizations exist

.....

.....

.....

.....

Information about the violation or violations

Description of what happened in as much detail as possible

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Dates of the most important events

Exact location of the events

Causes and context behind what happened

Consequences that have arisen as a result of the violation(s). Urgency of the situation

In what manner were the women specifically affected? The men? The children?

Identification of the violation or violations

Type of violation. What obligation of the State was not fulfilled?

Who exactly committed the violation?

Type of disruption and destruction

Information related to if any evictions have been carried out.

Date and approximate time in which the eviction was carried out

In the event that eviction is the result of a process that took place over a longer period of time, mention what elements led to the occasion and/or how it was made effective.

Were you informed of the eviction? If so, who informed you? How? When?

Number of women, men and children evicted

How did the eviction take place? Was it violent? Describe what happened.

Who carried it out?

Where are those that were evicted currently located?

How have the lives changed of those evicted?

Other information

Did the victims denounce what happened? To whom did they make their complaint?

Was there any response or reaction to the complaint? If there was, describe the response. If no, how did the authorities justify not having responded to the complaint?

Demands

What are the people and/or community affected demanding?

What do the people and/or community affected seek from the local and/or national authorities?

Are you soliciting interventions and/or actions from other authorities/entities? From the UN or other international agencies?

Annexes

Please attach relevant documents on the case, such as photos, maps, legal demands, etc.

4.2 SUPPLEMENTARY QUESTIONNAIRES FOR CONTEXTUAL INFORMATION

A. Interviews at the family level

0 Personal data:

Name :

Sex :

Age :

Spoken language :

Address :

.....

Telephone number :

Occupation :

1 Basic information

1.1 Persons living in the household, respective age, sex and respective occupation.

.....

.....

.....

.....

1.2 How long have they been living in the community?

.....

.....

1.3 Type of farming or production activity (including fishing activities), location, size

.....

.....

.....

1.4 Type of land tenure (individual property, community property, public land, leasing, etc.)

.....

.....

.....

.....

- 1.5 What are your food sources? Do you consume the food that you grow yourself? Or do you sell the agricultural products that you produce and buy food with the cash from this sale? Or do you exchange the agricultural products that you produce for food? Or do you buy food with the salary that you receive?

- 1.6 Do you think that you and your family have access to sufficient food at all times? Or does the access vary during the year? Do you think that the food that you consume is nutritious and allows you to live in a healthy way? Are there any cases of malnutrition in your family?

- 1.7 How do you access water?

2 Production

- 2.1 Current production

- 2.2 Development of your own production during the last 5 years

- 2.3 Proportion of the production dedicated to your own consumption and to the market

- 2.4 Total income of the family, income from the agricultural production, changes in the levels of income obtained from agricultural production during the past 5 years

- 2.5 Type and quality of access to water for irrigation. Has the access to water improved or worsened in the last 5 years?

2.6 Do you have access to inputs (seeds, fertilizers), agricultural extension services, credits?

3 Access to natural resources

3.1 Regarding its sources of food and/or income, does the subsistence of the family depend on natural resources, like hunting, for housing, fishing, collection of wild fruits, etc.? How has the access to these resources varied in the last 5 years? Is this access secure? Legally recognized?

4 Effects of the introduction of monocultures in the region

4.1 When were monocultures introduced in your region? How has your life been affected since then?

4.2 How has the agricultural (including fishing) production of the family been affected?

4.3 How has water management been affected in your area, such as the control of community aqueducts and networks of water distribution?

4.4 How has the system of land tenure changed with the arrival of the monoculture model? Has the presence of large single-owner estates increased? The leasing of lands?

4.5 Has your access to other natural resources such as forests, animals and wild fruits from these forests been affected?

4.6 Have local food production and markets been affected? Have food prices increased? Have other food items been brought in from other regions?

4.7 How has the employment situation in the region been affected? Has it improved or worsened?

5 Evictions due to the introduction of monocultures

5.1 If an eviction took place: what were the main characteristics of your housing situation before the eviction and what are they now? (with regard to the size, services, materials, proximity to health centers and to schools, and other characteristics associated with adequate housing)

5.2 Who conducted the eviction? Were there notifications beforehand? Explain how and when it took place.

5.3 How has your life been affected by the eviction?

5.4 Before the eviction, did you have access to land, water, forests, animals and wild fruits from the forests?

5.5 What is this access like now?

6 Agricultural laborers employed on plantations

- 6.1 What kind of work contract do you have? Are there middlemen taking care of the contracting of the workers? Who is your employer?

- 6.2 Does your contract comply with legal standards regarding working hours, minimum wage, holidays, social security, etc.? Are the legal standards adequate to guarantee decent work?

- 6.3 How much are you paid? Is this sufficient to afford food, housing and other basic needs? Do you think that you and your family have access to enough food at all times? What are your living conditions like?

- 6.4 Are you exposed to pesticides? Do you have adequate equipment to protect yourself? Are the labor conditions safe at your place of work or do you suffer from illnesses caused by your labor conditions?

- 6.5 Do you belong to a trade union? Do you face repressive measures because of your belonging to this union or because you claim your labor rights?

- 6.6 Does the State effectively control the respect of labor laws? Which possibilities do you have to inform authorities about abuses committed by your employer?

B. Interviews with women

0 Personal data:

Name :

Age :

Spoken language :

Address :

Telephone number :

Occupation :

1 Basic information

1.1 Persons living in the household, respective ages, sex and occupation

.....

.....

.....

1.2 Are you the female head of the household?

.....

1.3 How long have you lived in the community?

.....

.....

1.4 Type of agricultural activity (including fishing activities), location, size

.....

.....

1.5 What kind of tasks do you have in the family production?

.....

.....

1.6 Type of land tenure (individual property, community property, public land, leasing, etc).

.....

1.7 Are you co-owner of the land? Or what kind of rights do you have on the land?

.....

.....

1.8 What are your food sources? Do you consider the food security of your family adequate? Does it vary throughout the year?

.....

.....

.....

1.9 Who eats first in the family? Are there any cases of malnutrition affecting girls?

.....

.....

2 Production

2.1 Current production

.....

2.2 Development of your own production during the last 5 years

.....

.....

2.3 Proportion of the production dedicated to your own consumption and dedicated to the market

.....

.....

2.4 Your own income, total income of the family, income from the agricultural production, changes in the levels of income derived from agricultural production during the past 5 years

.....

.....

.....

2.5 Type and quality of access to water for irrigation. Has the access to water improved or worsened in the last 5 years? Who in the family is in charge of providing drinking and irrigation water?

.....

.....

.....

2.6 Do you have your own access to inputs (seeds, fertilizers), agricultural extension services, and credits? Or do you have to rely on one of the men in the family?

.....

.....

.....

3 Access to natural resources

3.1 Does the subsistence of the family depend on natural resources for food or income, including for housing, fishing, collection of wild fruits, etc.? How has the access to these resources varied in the last 5 years? Is this access secure, legally recognized?

.....

.....

.....

.....

.....

4 Effects of the introduction of monocultures in the region

4.1 When were monocultures introduced in your region? How has your life been affected since then?

4.2 How has the agricultural (including fishing) production of the family been affected?

4.3 How has water management been affected in your area, such as the control of community aqueducts and networks of distribution?

4.4 Has your access to other natural resources such as forests, animals and fruits from these forests been affected?

4.5 Have local food production and markets been affected? Have food prices increased? Have other food items been brought in from other regions?

4.6 How has the employment situation for women in the region been affected? Has it improved or worsened?

5 Evictions due to the introduction of monocultures

- 5.1 If an eviction took place: what were the main characteristics of your housing situation before the eviction and what are they now? (with regard to the size, services, materials, proximity to health centers and to schools, and other conditions related to adequate housing.)

- 5.2 Who conducted the eviction? Were there notifications beforehand? Explain how and when it took place. Was violence used specifically against women during the eviction?

- 5.3 How has your life been affected by the eviction?

- 5.4 Before the eviction, did you have access to land, water, forests, animals and wild fruits from the forests?

- 5.5 What is this access like now?

6 Agricultural laborers employed on plantations

- 6.1 What kind of work contract do you have? Are there middlemen taking care of the contracting of the workers? Who is your employer?

- 6.2 Does your contract comply with legal standards regarding working hours, minimum wage, holidays, social security, etc? How many weeks of maternity leave do women workers have? Are the legal standards adequate to guarantee decent work?

- 6.3 How much are you paid? Do you receive the same salary as the men who have a similar job? Is this sufficient to afford food, housing and other basic needs? Do you consider that you and your family have access to enough food at all times?

- 6.4 Are you exposed to chemicals? Do you have adequate equipment to protect yourself? Are the labor conditions safe or do you suffer from illnesses caused by your labor conditions?

- 6.5 Do you belong to a trade union? Do you face repressive measures because of your belonging to this union or because you claim your labor rights?

- 6.6 Does the State effectively control the respect of labor laws? Which possibilities do you have to inform authorities about abuses committed by your employer?

C. Interviews with community leaders and experts

0 Personal data (in case you are an expert, please fill in here)

Name :

Function :

Institution :

Sex :

Age :

Spoken language :

Address, telephone number:

1 General information (in case you are a community leader, please fill in here)

1.1 Name

1.2 Age

1.3 Sex

1.4 Location

1.5 Telephone number, e-mail contact of the community/organization (if available)

.....

1.6 Spoken language, and ethnic group (if relevant)

.....

1.7 Type of organization (association, movement, trade union, cooperative, etc.)

.....

1.8 Number of individuals/families in the organization

.....

1.9 Total number of individuals/families living in the community

.....

1.10 Brief history of the community

.....

.....

.....

.....

.....

.....

.....

2 Information about the community

2.1 Main economic activities and sources of employment

2.2 Average level of income

2.3 Type of agricultural production, beneficiaries/destination of this production

2.4 Distribution of agricultural production (including fishing) and local markets; level of food self-reliance

2.5 Main forms of tenure of land and natural resources

2.6 Characteristics of housing (with regard to the size, services, materials, proximity to health centers and schools, and the characteristics associated with adequate housing)

2.7 Access to infrastructures and basic services

2.8 Levels of undernourishment and malnutrition

2.9 Levels of literacy/education

3 Information about monocultures

3.1 What kind of monocultures exist in your region?

3.2 When were they introduced?

3.3 How much land do they cover (in hectares, and as a percentage of the total agricultural land)?

3.4 What kind of land tenure do they have? (large private property, grouping of several smaller private properties, leasing of private land, leasing of public land, etc.)

3.5 How did the owners of the monoculture crops obtain the control over the land? Was it a legal process? If not, what kind of irregularities happened? Was violence or other means of coercion used? If a forced eviction took place, were people linked to the company/owner of the monocultures involved in the eviction?

3.6 How did the owners of the monocultures obtain control over irrigation water? Was it a legal process?

3.7 Who are the owners of the monoculture crops?

3.8 Have those implementing the monoculture crops in your community or territory employed any physical violence on the community or any other type of coercion?

3.9 Is there any participation of foreign investors? Who, and from which country?

3.10 Who distributes credits and capital to the owners of the monoculture crops? National, private or public banks? Bilateral development cooperation? Regional development banks like the Asian or African Development Banks? The World Bank? Investment funds from private capital?

3.11 Do the monoculture crops receive state support, for example through subsidies, credits, public lands? Specify what kind of support.

3.12 How many members of the community are employed on the plantations? Where do the other workers come from? What are the labor conditions like?

3.13 What is the destination of the production of the monoculture? The national or international market? To which country is it exported?

3.14 Do the companies that own the monoculture participate in initiatives of environmental or social certification? Do they adhere to voluntary initiatives of social responsibility?

3.15 Do the monocultures comply with legal provisions regarding environmental protection?

4 Changes observed after the introduction of monocultures

4.1 How has life changed in the community with the introduction of monocultures?

4.2 What has been the impact on the local economy?

4.3 How was the land used before the introduction of monocultures? Whose land was it? Which authority is in charge of planning or deciding upon the use of the land?

4.4 Was the community consulted concerning the introduction of monocultures?

4.5 What is the environmental impact on soils, forests, water and biodiversity?

4.6 What is the impact on the health of the community? Have illnesses appeared linked to the intensive use of chemicals? Specify what type of illnesses and how many people have been affected.

4.7 Did evictions take place because of the introduction of monocultures?

4.8 How many people were affected?

4.9 What were the main effects of these evictions?

4.10 Where are those affected by the eviction located now, and what are their living conditions like?

4.11 Has there been an increase in migration?

5 Information at the national level

5.1 What are the main monocultures? In what areas are they found? How much land do they control in hectares, and what percentage of the total agricultural land is that?

5.2 What percentage of the monocultures is produced for the national market, and what proportion for the international market? To which countries are they exported?

5.3 What percentage of the population dedicated to agriculture is linked to monocultures? What are the predominant labor conditions? Do employers respect the existing labor norms? Are these norms sufficient to effectively protect the workers from exploitation?

5.4 What are the main public policies that have supported monocultures?

5.5 What percentage of the budget is dedicated to agriculture set aside for monocultures? In comparison, what percentage is dedicated to peasant or indigenous family agriculture?

5.6 What social actors benefit from the support of monocultures?

5.7 What are the main companies/businesses that propel monocultures? Who are the financiers?

5.8 What are the food, nutrition, and poverty indicators of the rural population?

5.9 In the last 5-10 years, what has been the trend in terms of the percentage of land and forests owned by peasants and small-scale producers? Has this percentage increased or decreased? Does data exist about the number of families that have abandoned agriculture and have had to migrate to the cities?

5.10 Do national plans exist for the use of land and water? Who is adopting these plans? Are social organizations participating in this process?

5.11 Have evictions been carried out due to monocultures?

5.12 How many people have been evicted?

5.13 Have the evictions been violent?

5.14 Who are those allegedly responsible for the evictions?

5.15 What have been the main impacts of the evictions?

5.16 Where are the affected people currently located and in what type of conditions are they living?

5.17 Have the victims of evictions demanded redress and compensation for the damages suffered? To whom have they made these demands? Are there cases of effective redress and compensation for the evictions?

5.18 Nationally, do emblematic cases of evictions by monocultures exist?

5.19 Are there organized groups from civil society that are opposed to the monocultures? If so what are they?

5.20 What are the main environmental impacts (on soils, forests, water, and biodiversity) of monocultures in your country? Are environmental laws that companies have to comply with in the planting of monocultures sufficient to prevent these impacts?



FIAN INTERNATIONAL

Willy-Brandt-Platz 5
69115 Heidelberg, Germany
Tel.: +49-6221-6530030
Fax: +49-6221-830545
E-mail: fian@fian.org
<http://www.fian.org>

COALICIÓN INTERNACIONAL PARA EL HÁBITAT

OFICINA REGIONAL PARA AMÉRICA LATINA (HIC-AL)

Tacuba # 53, 1er piso, Col. Centro
06000 México D.F., México
Tel: +52 (55) 55 12 15 86
Telefax: + 52 (55) 55 12 67 26
E-mail: hic-al@hic-al.org
<http://www.hic-al.org>