



Like rice seedlings ready for planting, advocacy “seeds” should be planted to have better rules and regulations on private sector agricultural investments and to ensure that farmers’ rights are upheld and protected. *Photo: Abbie Traylor-Smith/Oxfam*

BETTER RULES FOR A BETTER FUTURE

Regulating Private Sector Agricultural Investments in ASEAN

ASEAN believes in the potential of private sector to contribute to its goal of becoming, by 2015, a single regional economic community that is closely linked to the global economy. Hence, the most binding and progressive aspects of ASEAN investment policies are those that move its Members towards greater investment liberalization and investor protection. However, all across Southeast Asia, the unregulated influx of private sector investments in agriculture is creating problems for many poor communities. It is high time that ASEAN adopts a regional agreement that will encourage its Members to regulate agricultural companies and their operations, as well as support and safeguard people and communities.

SUMMARY

The ASEAN Investment Report for 2011 considers 2010 as an important year for the region in terms of foreign direct investment (FDI) inflows. FDIs in ASEAN for the said year reached a record high of US 75.8 million dollars, nearly double the inflows in 2009. Included in these FDIs were private sector investments in agriculture, as Southeast Asia has become one of the most favored destinations of large-scale agricultural land investments.

ASEAN believes in the potential of private sector to contribute to its goal of becoming, by 2015, a single regional economic community that is closely linked to the global economy. The most binding and progressive aspects of ASEAN investment policies are those that move its Members towards greater investment liberalization and investor protection. In 2009, the regional bloc passed the ASEAN Comprehensive Investment Agreement (ACIA), which allowed greater investment liberalization and higher levels of protection for investors in the region, including in crucial sectors such as agriculture.

ASEAN entered into various investment cooperation agreements and arrangements with other countries, especially with its “plus three partners” in Asia, namely China, South Korea and Japan. Still in 2009, ASEAN signed separate investment liberalization accords with China and Korea, while in 2008, it had adopted the ASEAN-Japan Economic Partnership Agreement. All these agreements facilitated investment flows among the signatory countries and ensured the protection of investors within their respective territories.

Previously, in 2003, ASEAN had also signed the ASEAN India Framework Agreement on Comprehensive Economic Cooperation, which provided the basis for establishing the ASEAN-India Regional Trade and Investment Area (RTIA). In 2008, it adopted the ASEAN Australia New Zealand Free Trade Agreement, which like ASEAN’s other accords, included provisions designed to encourage investments. It also has a Trade and Investment Framework Agreement with the United States, and is presently working to revive region-to-region talks with EU, after negotiations on the ASEAN-EU Free Trade Agreement came to a standstill in 2009.

However, while ASEAN is moving towards greater investment liberalization and protection in its quest to attract private sector investors into the region, it has yet to develop regional policies that will regulate investments in a way that will safeguard the interest and rights of its peoples and communities. In various communities across Southeast Asia, the unregulated influx of large-scale private agricultural investments has been creating problems for many poor people, among them small men and women farmers, fishers and food producers.

Various studies document the negative impacts of unregulated private sector agricultural investments. These include the displacement of small men and women farmers and rural poor communities from their land to give way to the operations of private companies; food insecurity arising from the conversion of farmlands to plantations for exports and biofuels; the negative effects of unequal bargaining leverage on farmers’ welfare; and environmental degradation. Women, who take the lead in managing the household and ensuring food on the table for the whole family, are especially affected by these problems.

ASEAN's passage of its Charter in 2007 provided it with the mandate to pursue the development of a regional agreement to regulate private sector agricultural investments. The Charter affirmed ASEAN's long-standing operating principle of non-interference in the internal affairs of its members and respect for their sovereignty. However, it balanced this principle with the recognition that Members should shape their domestic regulations in a way that will support ASEAN's goal of becoming a politically cohesive, economically integrated and socially responsive single ASEAN community by 2015. The Charter specifically provides for Members' adherence to the principles of good governance and respect for and protection of human rights and fundamental freedoms. It places the well-being, livelihood and welfare of the peoples at the center of the ASEAN community-building process.

ASEAN and its Member States can benefit from adopting and implementing a regional agreement to promote sustainable investments. First, such a regional agreement can help promote the upward harmonization of good investment policies while discouraging a race-to-the-bottom approach in attracting investors among ASEAN Member States. Second, it will open up opportunities for ASEAN Members to learn from and support each other in developing national capabilities and best practices in promoting and adopting investment policies that are not only good for investors but for peoples and communities as well. Third, this can help ASEAN ensure the long-term viability and sustainability of its vision of an economically integrated regional community by 2015. The social backlash arising from the negative impacts of unregulated developments highlights the political and social challenges in building a single ASEAN community with harmonized economic policies, but which do not anticipate and address the possible impacts of private sector agricultural investments on people and communities.

ASEAN need not start from scratch in developing regional regulations on private sector agricultural investments. There exists a host of global standards and guidelines on private sector investments that can serve as initial bases for developing better and more effective regional rules on the same. These include the Food and Agriculture Organization's Voluntary Guidelines on Responsible Governance of Tenure of Land Fisheries and Forests, the Ruggie Guiding Principles on Business and Human Rights, the United Nation's Global Compact, among many others.

ASEAN should forge a regional accord that will move its 10 member countries to adopt and effectively implement the following key policies.

- 1. Ensure that the principle of free, prior and informed consent (FPIC) is followed in deciding whether or not an agribusiness project should push through.**
- 2. Introduce policies to protect national food security.**
- 3. Develop and enforce regional standards and regulations for fair and equitable contracts.**
- 4. Develop and enforce common regional standards for publicly disclosed full-impact assessment via multi-stakeholder processes.**
- 5. Strengthen mechanism through which peoples and communities can file complaints as well as seek and access remedy.**

ASEAN can begin the process of developing regional policies to promote sustainable investments by aggregating the existing policies of ASEAN Member States on private sector agricultural investments. The five policy recommendations above can be used as an initial checklist of the policies that need to be in place and effectively implemented in each country. Based on the results of this aggregation, ASEAN can identify the policy gaps and develop the necessary safeguards and regulations to address these. The process of identifying these policy gaps and how they can be addressed should be undertaken through a multi-stakeholder process involving affected communities, peoples' organization, civil society groups and other stakeholders' groups.

INTRODUCTION

In various communities across Southeast Asia, the unregulated influx of large-scale private agricultural investments has been creating problems for many poor people, among them small men and women farmers, fishers and food producers.

These problems include the displacement of families and communities from their lands to give way to private companies; the conversion of farms previously devoted to food production to large-scale plantations for biofuels and agricultural exports; the rising incidence of indebtedness resulting from unfair contract growing arrangements; and the worsening impacts of large-scale agribusiness operations on the environment. Women, who are primarily responsible for putting food on the table, are especially affected by these challenges.

These problems can be expected to increase as the Association of Southeast Asian Nations (ASEAN) moves towards greater investment liberalization to attract private sector investors into the region.¹ In 2010, foreign direct investment (FDI) inflows, including investments for agriculture projects, were valued at USD 74 billion dollars, representing an increase of 95.6 percent from the previous year.²

Private sector investments, if managed carefully and regulated responsibly, can be a powerful ally in promoting agricultural development. These can help generate resources such as capital and technology, and link agricultural producers to the market. However, if left unregulated, these can pose problems for many poor people in the region. Various reports document the excesses and negative impacts of large-scale private sector agricultural investments on communities across the Southeast Asian region.³

This briefing paper argues the need for ASEAN to adopt an agreement that will move its 10 Member States—Indonesia, the Philippines, Malaysia, Thailand, Brunei Darussalam, Singapore, Cambodia, Laos PDR, Vietnam and Myanmar—to implement a common set of policies that will safeguard the rights, welfare and interest of people in the face of these excesses.

The paper will also discuss the rationale and bases for such an agreement, particularly the ASEAN Charter and the various global and international standards relating to private sector agricultural investments. It puts together policy recommendations that ASEAN and its Members should adopt to ensure that such investments support rather than undermine the welfare of small men and women farmers and fishers, and their communities. Finally, the paper recommends concrete steps that ASEAN can take to begin the process of developing a regional accord that puts these rights and welfare at the heart of regional investment and development policies.



How can ASEAN's push for investments' liberalization affect farming communities like this Cambodian family? *Photo: Abbie Trayler-Smith/Oxfam*

PART I: INVESTMENT POLICIES IN THE REGION

In March 2009, ASEAN unveiled the Roadmap for an ASEAN Community by 2015. The roadmap contained the blueprint for the creation of a regional community bound by a common set of rules under the ASEAN Charter. It provided for the implementation of various agreements and common programs of action covering the three ASEAN pillars: political security, socio-cultural cooperation, and economic integration.⁴ One of the key components of this roadmap is the transformation of ASEAN into a single economic community by 2015. ASEAN hopes to be fully integrated into the global economy, and to be a crucial link in the global supply chain. In line with this objective, ASEAN has adopted policies to ensure the free flow of trade and investments among its members, as well as to promote trade and attract investments into the region. These policies have been attracting investments in food, agriculture and forestry sectors, which ASEAN considers priority sectors.

Policies facilitating investments

Two distinct but related themes directions characterize ASEAN policies on investments.

First, ASEAN is clearly moving towards greater investment liberalization as the key strategy to facilitate the flow of capital and investments into the region. The 1998 Framework Agreement on the ASEAN Investment Area (AIA), the groundwork for investment liberalization in the region, directed ASEAN Member States to open up industries and sectors to cross-border investments except those specified in countries' temporary exclusion list. More significantly, it required governments to extend to other ASEAN Members the principle of national treatment, or the granting of the same privileges to domestic investors and investors from other ASEAN countries.⁵ In 2009, the regional body indicated its resolve to further hasten investment liberalization by passing the ASEAN Comprehensive Investment Agreement (ACIA). This agreement built on the 1998 framework agreement and allowed greater investment liberalization within the region to include investments in crucial sectors such as agriculture.⁶

Second, ASEAN investment policies have increasingly provided greater levels of protection to investors. As early as 1987, the Member States signed the ASEAN Agreement for the Protocol and Protection of Investment or the ASEAN Investment Guarantee Agreement (IGA), which guaranteed investors from other ASEAN countries the same level of treatment given to domestic investors. It also safeguarded investments from being taken over by host governments through expropriation and nationalization, and provided the unencumbered repatriation of investors' capital and earnings.

The 2009 ACIA re-affirmed these policies and introduced additional provisions that further strengthened investor protection. For instance, it granted compensation for companies coming from ASEAN Member States incurring losses due to strife. It created prohibitions against performance requirements and against obliging companies to have nationals sitting in senior management positions or comprising majority of companies' board of directors, among others.⁷

Investment cooperation with economic partners

ASEAN entered into various investment cooperation agreements and arrangements with other countries, especially with its "plus three partners" in Asia, namely China, South Korea and Japan.

In 2009, ASEAN signed separate investment liberalization accords with China⁸ and Korea.⁹ The year before, it had adopted the ASEAN-Japan Economic Partnership Agreement.¹⁰ All these agreement facilitated investment flows among the signatory countries and ensured the protection of investors within their respective territories.

ASEAN also has economic cooperation agreements with other countries apart from the three Asian partners. It signed the ASEAN India Framework Agreement on Comprehensive Economic Cooperation, which provided the basis for establishing the ASEAN-India Regional Trade and Investment Area (RTIA).¹¹ It adopted the ASEAN Australia New Zealand Free Trade Agreement, which, like ASEAN's other accords,

included provisions designed to encourage investments.¹² ASEAN also has a Trade and Investment Framework Agreement with the United States.¹³

ASEAN is working to revive region-to-region talks with EU, after negotiations with the latter on the ASEAN-EU Free Trade Agreement came to a standstill in 2009.¹⁴ Despite this standstill, both parties have a continuing dialogue on trade and investment cooperation under the Trans-Regional ASEAN EU-Trade Initiative (TREATI) and as part of the ASEAN-EU Trade and Investment Work Program for 2011-2012.¹⁵

Limited safeguards for communities

While ASEAN is moving towards greater investment liberalization and protection in its quest to attract private sector investors, it has yet to develop regional policies that will regulate investments to safeguard the interest and rights of peoples and communities. The growing number of cases documenting the excesses in private large-scale land acquisition and agricultural investments warrant ASEAN to develop policies that will protect communities and environments from the negative impacts of unregulated private investments, and also ensure that the community ASEAN aspires for becomes sustainable.



Vietnamese farmer planting rice. *Photo: Nguyen Thi Hoang Yen/Oxfam GB*

PART II: PRIVATE SECTOR AGRICULTURAL INVESTMENTS IN ASEAN

Foreign investment inflows in ASEAN

The ASEAN Investment Report for 2011 hailed 2010 as a banner year for the region in terms of foreign direct investment (FDI) inflows. FDIs in ASEAN for the said year reached a record high of US 75.8 million dollars, nearly double the inflows in 2009.¹⁶ ASEAN viewed this as a welcome development, especially in light of its previous years' FDI record. In 2009 and 2008, ASEAN had experienced declines in FDI inflows, due largely to the global economic and financial crisis.¹⁷ (Figure 1)

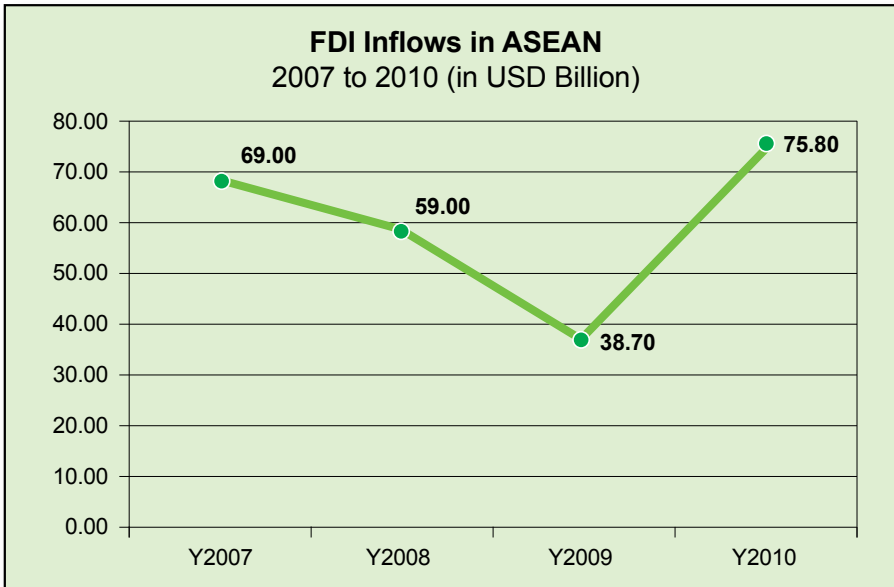


Figure 1. FDI Inflows in ASEAN 2007 to 2010 (in USD Billion)
Sourced from the Report of the ASEAN Investment Council

ASEAN credits improving economic conditions and strong investor interest in the region for the recent increase in foreign direct investments.¹⁸ In the period 2008-2010, the biggest sources of foreign direct investments in the region were the European Union (21 percent), the United States of America (10 percent), Japan (10 percent) and China (6 percent). Intra-ASEAN investments, or cross border investments among ASEAN Member States, accounted for 17 percent, or the second biggest chunk, of FDI inflows in the same period. (Figure 2 and Figure 3).¹⁹

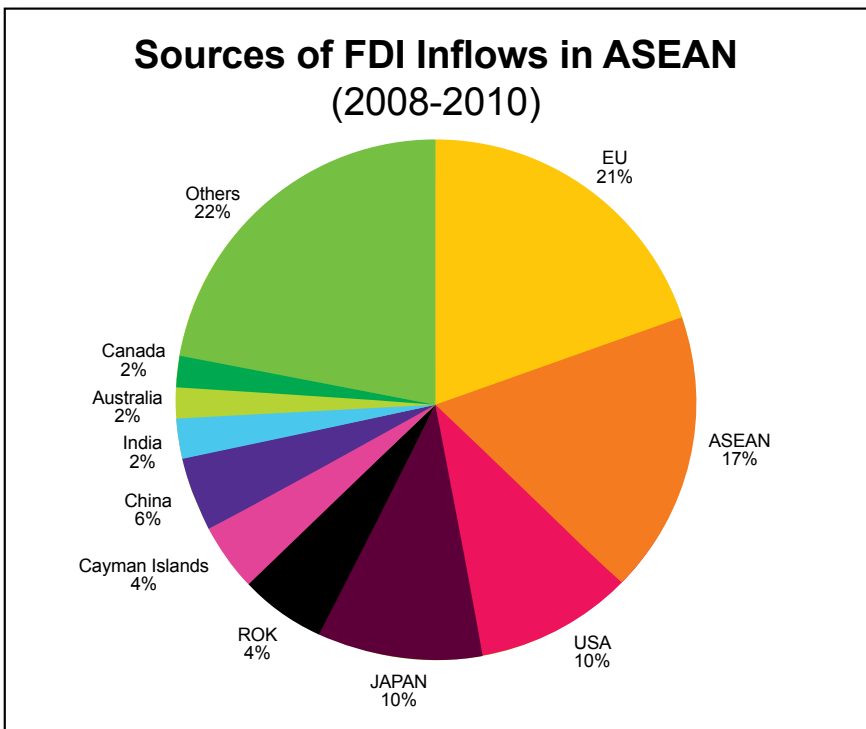


Figure 2. Sources of FDI Inflows in ASEAN (2008-2010)
Based on ASEAN Statistics

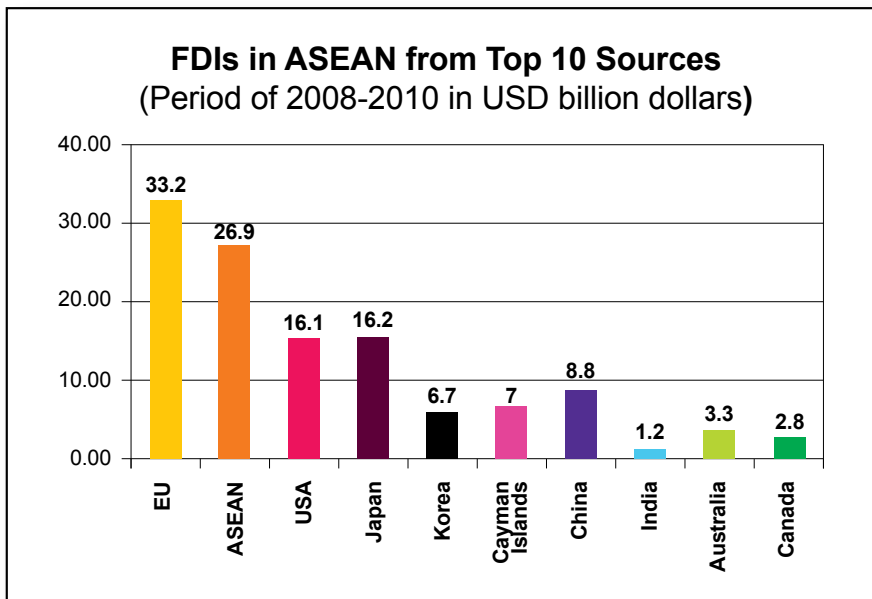


Figure 3. FDIs in ASEAN from Top 10 Sources (Period of 2008-2010 in USD billion dollars)
Based on ASEAN Statistics

Included in these FDIs were private sector investments in agriculture, as Southeast Asia has become one of the most favored destinations of large-scale agricultural land investments.²⁰

Private sector agricultural investments: drivers and trends

There are many factors contributing to the influx of large-scale private agricultural investments in the region. Foremost among these is the growing demand for food and agricultural products due to rising populations and rising incomes in some countries. World population is forecasted to increase to nine billion or more by 2015, and is anticipated to fuel greater demand for food.²¹ Rising incomes, particularly in Eastern Europe, Asia and Latin America are also expected to further increase global demand for agricultural products and to spur production growth in agriculture, including the fisheries sectors.²² The OCED-FAO Outlook forecasts that by 2015, aquaculture production will surpass capture fisheries to account for almost 45 percent of total fishery production.²³

The rising demand for biofuels is also a big driver of large-scale private sector agricultural investments in Southeast Asia, as well as in other parts of the world. Many countries, such as the EU, US, China, Brazil, to name a few, have legislated their biofuel blending targets. Existing mandated targets are expected to create a demand for at least 60 billion gallons of biofuel by 2022.²⁴ It is estimated that by 2020, 13 percent of global coarse grain production, 15 percent of vegetable oil production and 30 percent of sugar cane production will be used to produce biofuels.²⁵ Another driver is the use of sovereign funds to finance and outsource agricultural production in developing countries. All these factors have contributed to the increased demand for agricultural products.

ASEAN as a regional body, and several Member States, are very keen to take advantage of these trends in line with their avowed policy of attracting investors in the region. In 2008, after a visit to the Gulf Cooperation Council (GCC) secretariat, in Riyadh Saudi Arabia, Dr. Surin Pitsuwan, former Secretary General of ASEAN, noted that ASEAN Member Countries with large agricultural production could take advantage of the GCC's decision to establish a fund that would be invested in agricultural production worldwide.²⁶

In Laos, land concessions covering 1.5 million hectares have been granted to local and international companies for both mining and agricultural projects.²⁷ Estimates placed total land concessions at close to 9 percent of Laos' total land area. In Cambodia, it is reported that government granted economic land concessions covering 116 square miles, or nearly two-thirds of the country's agricultural lands, to private investors which included Chinese, Vietnamese and local companies.²⁸

Investment arrangements

The most common private sector investments in Southeast Asia's agricultural sector involve production cum marketing contracts and arrangements. The basic characteristic of these arrangements is that private sector supports the production of a particular product to supply to the market, while farmers, landowners or governments provide the land. There are myriad variations to this basic set up, depending on a host of factors, such as land ownership arrangements, availability of local production capital, and the skill of the local labor force and labor law considerations, among others.²⁹

Private sector investments also take various forms, ranging from the simple leasing out of lands to the more complex contract growing schemes and joint venture agreements. In general, private sector investors adapt very well to fit local situations, so that the nature of investment arrangements varies widely across countries and sectors.

In some arrangements, private sector investors merely rent the land and do not involve farmers and landowners at all in the entire production process. In others, farmers/landowners provide labor apart from the land, as their share in the venture. Still in some, such as in cases in the Philippines, farmers/landowners shoulder the entire costs and risks of agricultural production, while private sector investors provide the production technology as well as the market for agricultural products.

Investors in the region

Southeast Asia, particularly ASEAN Member States Philippines, Malaysia, Indonesia and Thailand, has long been hosts to large private investments in agriculture. These investments are mostly found in large-scale agricultural plantation of multinational corporations. Companies such as Dole, Del Monte, to name a few, have been operating in various countries in the region for the past several decades. But in recent years, there has been an influx of "new" agricultural investments from China, Japan, the Gulf States and other countries. Some of these investments involve the use of sovereign funds.³⁰ These investments are mostly for food and biofuels, and involve large-scale land acquisitions.

Within Southeast Asia, homegrown agricultural companies are also expanding operations. Agricultural corporations such as the Charoen Pokphand Group (CP), Mitr Phol Sugar Corporation and Kohn Kaen Sugar Industry Public Company Limited (KSL) in Thailand, Wilmar International in Singapore and San Miguel Corporation in the Philippines, to name a few, have been undertaking cross border investments. These companies supply the regional markets, though in many cases, also link up to global food and agriculture supply chains.³¹



Thai women and men farmers partake of food they have produced in their own plots. Women take the lead in managing the households and ensuring the family's food security. *Photo: Mongkhonsawat Luengvorapant/Oxfam*

PART III: THE TWO SIDES OF PRIVATE SECTOR AGRICULTURAL INVESTMENTS

Positive effects

Private agricultural investments have both positive and negative impacts. On the positive side, these help generate economic activity in the sector, and as a result, create opportunities for employment and livelihood in the region. This function is particularly important in many developing countries in ASEAN, where resource constraints and prioritization issues inhibit governments from fully supporting agricultural production.

Private agricultural investments also help facilitate the delivery of basic infrastructure support to rural areas. Increased economic activity resulting from such investments creates incentives for governments, and in some cases, even for investing companies themselves, to support the construction of farm to market roads, irrigation, processing facilities and other rural infrastructure.

Depending on the nature and form of investment arrangement, private sector investors also help generate and channel production capital, technology and other inputs for agricultural production. In many joint ventures and contract growing arrangements across Southeast Asia, private investors provide farmers and landowners seeds and other inputs, as well as trainings and extension services to facilitate agricultural production.

The most distinct advantage under agricultural investment arrangements with the private sector comes from the ability of investors to connect the sector to markets. As mentioned earlier, most arrangements with the private investors invariably involve production cum marketing agreements. Investors have knowledge of what the markets demand and thus use this as input into the production process, such as in defining the type of seeds and varieties to be used and in determining the nature of agricultural inputs and technology that needs to be tapped in producing food and other agricultural crops.

Negative impacts

The potential of these private investments to support and contribute to sustainable development are shadowed and undermined by the growing number of cases detailing their negative impacts in many communities across the region.

These negative impacts can be broadly grouped into these four categories:

Displacement of small men and women farmers and rural poor communities from their lands

The most vivid and compelling stories of these negative impacts are those involving land grabbing and the forcible eviction of communities from their lands.³² Human rights are often violated in these displacements.

In Cambodia, over 400 families were forced out of more than 5,000 hectares of land in 2006 to give way to the establishment of the Koh Kong sugar plantations. This case represents the growing number of conflicts arising from the Cambodian government's land concession policy and shows a rising trend in large-scale agricultural investments.³³ Following a complaint about a palm oil investment of Wilmar International in Indonesia, the World Bank decided in 2009 to suspend all of its funding for palm oil projects worldwide, including those of the International Finance Corporation, its private sector financing arm.³⁴ The suspension came after 19 civil society organizations had complained about the Wilmar's actions and IFC's investments in the company despite its non-compliance with IFC standards for investments and due diligence.³⁵ Matters are still not resolved in the case. In 2011, the Forest Peoples Programme filed a third complaint against a Wilmar International subsidiary in relation to the alleged violent eviction of more than 83 families as the latter sought to gain control of over 20,000 hectares of land of the Batin Sembilan people.³⁶

In various communities across Southeast Asia, the unregulated influx of large-scale private agricultural investments has led to land-grabbing, food insecurity and environmental degradation. Women, who are primarily responsible for putting food on the table, are especially affected by these problems.

Smaller scale land conversions for coastal aquaculture use have also become a problem of massive scale. Current areas of shrimp ponds in production are estimated to be over 1.5 million hectares in SE Asia. Recent global satellite surveys have revealed at least an additional 0.5 million hectares in abandoned ponds that have found no other use. The development of shrimp ponds typically occurred on or close to the seashore. The former mangroves, wetlands, salt marshes, etc. were (and often still are) common property or state-owned lands. Governments saw no immediate harm in providing ownership titles to those who wished to develop shrimp ponds. However, in doing so, the traditional subsistence use of these lands was taken away from poor, marginalized rural people. The poorest, landless people suffered most from these conversions. People were displaced, communities' up-rooted, while land for cattle grazing and mangroves for seafood gathering and artisanal fisheries were closed off.³⁷ These traditional and subsistence rights have been neglected and compensation for those displaced, if any, have been rare and meager. Since coastal ecosystems are immensely productive and coastal areas the most densely populated in the world, the impact of converting these areas and changing tenure from public to private has been much greater than the number of hectares would, at first glance, indicate.

In other countries in Southeast Asia, the displacements have been subtle, such as in cases when lands are leased to private sector investors, often at very low rates, and in some cases, for as low as US 60 dollar per hectare per year. But the impacts of such displacement, particularly the loss of rights to access the lands while in a lease agreement, and food insecurity experienced by affected families and communities, are as adverse as when they lose total ownership of the land.

Food insecurity

The displacement of families and communities from the land they till, and from which they source their income and livelihood, has led to food insecurity.³⁸ While it is true that some private agricultural investments create opportunities for income and livelihood for farmers in the region—and thus, theoretically generate greater resources for buying food—these displacements have also resulted in loss of income and food production, and consequently in greater food insecurity for households and communities.

A recent report prepared by TKN and IISD on foreign investment in agriculture in Lao PDR has noted how the replacement of forests or staple crops with commercial cash crops has negatively affected the food security of households in the rural areas. The study has also cited the case of Mitr Lao Sugar, a division of MitrPhol Group. The company's business operations in Savannakhet Province led to the displacement of traditional livelihoods such as natural resource collection and livestock ownership. This narrowing down of livelihood strategies has resulted to increased food insecurity among people in the said area.³⁹ In Cambodia, the case study on the Koh Kong sugar plantation in Sre Ambil District included peoples' testimonies of how they "lost their farmlands, their grazing land as well as their access to forests". This prevented them from generating and growing enough food for their families.⁴⁰ In Indonesia, civil society groups filed a complaint with the Roundtable for Sustainable Palm Oil for the failure of PT Agronusa Investama (Wilmar) to allocate areas that communities can use to meet their basic needs for livelihood, food, water, health, among others.⁴¹

At the national level, having lands locked in agricultural investment arrangements, mostly intended for producing food, feedstock for agrofuel or as raw materials for exports, has meant less land for domestic food production. This trend can be particularly problematic for countries such as the Philippines and Indonesia, which are net importers of a number of essential foods such as rice, corn and beef. With no effective law securing and devoting a certain amount of land to meet domestic food production, these countries face the reality of dwindling land resource to produce food, and of continuously depending on the international market to meet their rising food needs. The 2008 food price crises and the continuing food price volatility emphasized the danger of relying on food imports to meet a country's food needs.

Effects of unequal bargaining on farmers' welfare

Many private agricultural investors employ a host of practices that have negative impacts on farmers and small food producers. Some of these practices are:

- ***Very low land lease rates***
Farmers with no access to credit to buy seeds and other inputs needed for agricultural production have very little choice but to rent out their land, usually at very low rates, to private investors. In the Philippines, some agricultural companies were able to get land leases for as low as PH 2,500 pesos (US 60 dollars) to PH 5,000 pesos (US 120 dollars) per hectare per year.⁴²
- ***Unfair risk-sharing arrangement leading to greater indebtedness among farmers***
In many joint ventures and contract growing arrangements, private investors provide the technology to be used in agricultural production. Investors advise farmers which seeds to use, what chemical inputs to apply as well as when and how to apply them. The resources for agricultural inputs, which are given to farmers, either in cash or in-kind, are considered advances to farmers. In cases of crop failures, many farmers are required to pay these advances, even when the technology they applied in producing the output had come entirely from the investing companies. This unfair risk-sharing arrangement has led to greater indebtedness among farmers participating in such agreements.⁴³

The studies undertaken by the Asian Development Bank Institute's on rice contract growing in Cambodia and Lao PDR have noted that one of the disadvantages of these arrangements is that farmers tend to face greater risks because of advances.⁴⁴ The ADBI has also reported that some farmers experienced losses from contract growing agreements, as firms did not share the cost of failed crops.

In southern Philippines, some agrarian reform beneficiaries who have entered an agribusiness venture agreement with a big multinational company to produce pineapples for exports have been saddled with debts, as they have had to pay for the production capital and resources advanced to them by the company after they have experienced a crop failure.⁴⁵

- ***Non-transparent market standards***
In joint venture agreements as well as contract growing arrangements, private agricultural companies determine the prices as well as the acceptability of agricultural products based on certain quality standards. However, these standards are not always

accessible to farmers/landowners. Products classified as having low quality either get rejected or downgraded in terms of prices, resulting in limited gains and profits, or in some cases, even losses, for farmers. The ADBI study cited earlier has also documented a case in Kampong Speu, Cambodia, in which a company used “technical reasons to reject or lower the prices that rice farmers transport to the firm”.⁴⁶

- **Unfair labor practices**

Previous studies also note that contract farming passes on the cost of labor management from agricultural companies to farmers. It also results to exploitation, as family labor is typically used in contract farms.⁴⁷ The absence and/or the poor enforcement of national labor laws and standards make it easy for private agricultural investors to resort to unfair labor practices. These practices include low labor valuation, poor health and safety conditions, and the non-fulfillment of commitment (both implicit and explicit) to hire manpower from within the community or the areas covered by the investment agreement.⁴⁸

Environmental impacts

One of the most significant concerns that have emerged due to the current influx of private sector agricultural investments relates to impacts on the environment, particularly on the long-term sustainability of land and on the whole ecological system supporting food production.

ASEAN ecological economists place the cost of the damage from shrimp aquaculture on coastal ecosystems and impacts on local communities at a yearly average of US 5.5–7.7 billion dollars.⁴⁹ The expansion of shrimp aquaculture has induced the development of a trash-fish fishery⁵⁰, providing a market for destructive fishing. The effects of these destructive methods are not only regional, but global as well, specifically in terms of fish harvests.⁵¹ Also, mangroves are effective buffers against floods and removing them while the threat of climate change is rising is akin to removing a dyke when waters are rising. The protective capacities of mangrove forests have been documented in the aftermath of the 2004 Tsunami.⁵² It has also come to light that there is an actual correlation between flooding frequency, mangrove cover, and aquaculture pond establishments.⁵³

Chemical-based and intensive farming technologies are the norm for most agricultural companies because they often require a certain level of scale in order to effectively supply export markets and to meet certain “quality standards.” For instance, bananas and other fruits intended for the export markets should be blemish-free, prompting companies to use pesticides to ward off insects and bugs in large plantations. The massive use of chemical inputs exerts a negative toll not only on the environment but also on the health and safety of agricultural workers as well as of people in nearby communities.⁵⁴ In the Philippines, communities and civil society groups in Mindanao have called for a ban on aerial spraying of pesticides in banana plantations after studies have confirmed its toxic effects on human health and the environment.⁵⁵

Adverse impacts on women

Women, because they take the lead in managing the household and ensuring food on the table for the whole family, are especially affected by the displacement and food insecurity resulting from the unfair practices of private investors in agriculture. In rural communities

throughout the region, most women use a portion of their lands to maintain vegetable gardens and raise farm animals to supply their family's food needs and to earn additional income for household expenses. The displacement of families from their lands to give way to private sector operations creates additional challenges for women.

Oxfam's GROW Campaign

Oxfam's GROW campaign aims to direct and harness agricultural investments, including those by private sector, towards supporting men and women farmers, and towards enabling them to access and produce food for themselves and for others.

Oxfam's GROW campaign involves promoting responsible investments. In East Asia, it aims to move government to adopt policies, safeguards and guidelines that will shape and compel private sector companies to ensure that their operations are conducted in a responsible manner. Oxfam believes that private sector operations should respect and uphold human rights, enhance household, community and national food security, promote the welfare and livelihood of small men and women farmers and their communities, and protect and sustain the environment.





Rural women continue to have little or no access to productive resources and are therefore doubly marginalized. *Photo: Oxfam GB/Asia*

PART IV: RATIONALE AND BASIS FOR DEVELOPING REGIONAL REGULATORY POLICIES ON PRIVATE SECTOR INVESTMENTS IN AGRICULTURE

ASEAN countries have different levels of progress when it comes to laws regulating or affecting private sector investments in agriculture. For instance, countries such as the Philippines, Thailand, Indonesia, Vietnam and Cambodia have policies in place for environmental standards and wage settings.⁵⁶ These regulations were not formulated to specifically and exclusively apply to private sector agricultural investments. However if implemented properly, these have the potential to positively influence and improve the operations and business practices of private companies operating in agriculture.

Unfortunately, capability limitations, and in some cases, the lack of political will on the part of governments to execute these laws hamper their effective implementation in many ASEAN Member States. Moreover, there is no intergovernmental mechanism within ASEAN that provides an oversight function to ensure that member governments are effectively implementing these policies.

Why is there a need for regional policies?

What is the value added in developing a regional set of safeguards on private sector agricultural investments when some ASEAN Member States already have national policies on these?

ASEAN and its Member States can benefit from adopting and implementing a regional agreement to promote sustainable investments in various ways:

First, such regional agreement can help promote upward harmonization of good investment policies while discouraging a race-to-the-bottom approach in attracting investors. Private agricultural investments tend to be mobile, seeking out investment areas where policy conditions allow them to maximize profits and operate with very few limitations. This creates a tendency for governments to offer companies the best deal possible, creating a race-to-the-bottom thinking among countries. ASEAN is in a position to help prevent this by adopting and enforcing a common set of investment regulations for its 10 Member States. Such an accord should give ASEAN Member States the confidence and security to adopt and implement investment policies that will protect the interest of their constituents, knowing that other countries in the region are bound to uphold the same set of regulations.

Second, ASEAN Member Countries have divergent levels of progress as well as capabilities when it comes to adopting and implementing policies on private agricultural investments. Developing regional policies for these will open up opportunities for ASEAN Members to learn from and support each other in developing national capabilities and best practices. This will also help every ASEAN Member Country create an investment policy environment that is not only safe for investors but for peoples and communities as well.

Third, this can help ASEAN ensure the long-term viability and sustainability of its vision of an economically integrated regional community by 2015. As mentioned in the earlier section, the social and economic conflicts that have emerged from unregulated private agricultural investments illustrate the inherent weakness in a regional economic integration program that does not consider and uphold the interest of peoples and communities. For instance, the rising social protests in Laos and Cambodia have prompted the governments of these countries to temporarily suspend the granting of land concessions to local and international companies. The Lao government in particular has announced that it shall not allow land concessions until 2015, in view of complaints over the impact of these concessions on communities as well as on the environment. The Cambodian government also issued a land moratorium in May 2012 in response to the growing discontent over the state of land concessions in the country. These national policy developments highlight the political and social challenges in building a single ASEAN community, with harmonized economic policies, but which do not anticipate and address the possible impacts of private sector agricultural investments on people and communities.

The social backlash arising from the negative impacts of unregulated developments highlight the political and social challenges in building a single ASEAN community, with harmonized economic policies, but which do not anticipate and address the possible impacts of unregulated private sector agricultural investments on people and communities.

Finally, developing regional policies will safeguard against the observed and the possible negative impacts of private agricultural investments and can address the current imbalance among the three pillars of ASEAN. It will indicate that ASEAN is not solely interested in the economic aspect of regional development, but is equally concerned with how its economic policies actually impact on the welfare of peoples and communities across the region. It will also help ASEAN concretize its avowed goal of developing a caring and sharing community of nations in Southeast Asia by 2015.

The ASEAN Charter as basis for developing regional policies

ASEAN's passage of its Charter in 2007 provided it with the mandate to pursue the development of regional regulations and standards. The Charter affirmed ASEAN's long-standing operating principle of non-interference in the internal affairs of its members and respect for their sovereignty. However, it also balanced this principle with the recognition that Members should shape their domestic regulations in a way that would support ASEAN's goal of becoming a politically cohesive, economically integrated, and socially responsive single ASEAN community by 2015.

The various binding trade and investment agreements, adopted by ASEAN over the last decade, such as the ASEAN Trade in Goods Agreement (ATIGA), the ASEAN Comprehensive Investment Agreement (ACIA), and the ASEAN free trade agreement and investment agreements with other countries have all been indicators of the capability of Member States to conform their national policies and regulations to regional agreements supporting ASEAN's goal and vision.

The 2007 ASEAN Charter provides for ASEAN's adherence to the principles of good governance and respect for and protection of human rights and fundamental freedoms. It affirms its commitment to ensuring sustainable development for present and future generations, and places the well-being, livelihood and welfare of the peoples at the center of the ASEAN community building process.

It must be pointed out that ASEAN is not new to developing common and binding standards and policies for its Members. Apart from the agreements cited earlier, it has adopted a host of regional standards, such as on good agricultural and aquaculture practices, product quality, observance of sanitary and phytosanitary (SPS) measures, sustainable forest management, among many others. Developing regional investment policies that protect people, promote food security, and safeguard the environment is consistent with ASEAN's policy to harmonize its actions as well as rules and regulations.

International standards and guidelines on good investments

There exists a host of global standards and guidelines on private sector investments that can serve as platforms for developing better and more effective regional standards. The Food and Agriculture Organization's Voluntary Guidelines on Responsible Governance of Tenure of Land Fisheries and Forests, the Ruggie Guiding Principles on Business and Human Rights, the United Nation's Global Compact, among many others are just some of the global standards and guidelines aimed at ensuring that private sector investors, including in agriculture, improve their operations.

The ASEAN Charter provides for Members' adherence to the principles of good governance and respect for and protection of human rights and fundamental freedoms. It places the well-being, livelihood and welfare of the peoples at the center of the ASEAN community building process.

Stakeholders' groups and civil society organizations have different perspectives and levels of appreciation of these standards. Nevertheless these guidelines can serve as useful starting points upon which ASEAN can develop an improved as well as region-specific and appropriate set of investment policies and regulations. ASEAN will do well to initiate a broad based multi-stakeholder consultation process to develop these regional investments policies and safeguards.



Children play in the paddies of Central Cambodia. Local farming communities should have the right to say yes or no to agricultural investments that may affect their lands, lives and children's futures. *Photo: Abbie Trayler-Smith/Oxfam*

PART V: PROPOSALS FOR REGULATORY POLICIES ON PRIVATE SECTOR AGRICULTURAL INVESTMENTS

It is high time that ASEAN adopts an agreement that will bind its 10 Member States to implement a common set of policies that will safeguard the rights, welfare and interest of people amidst the influx of private sector investments in agriculture.

In view of the negative impacts of private sector agricultural investments in the region, ASEAN should forge a regional accord that will encourage its 10 member countries to adopt and effectively implement the following key policies. These policies are intended to help ensure that private sector agricultural investments support rather than undermine the rights and welfare of peoples and communities in the region.

1. Ensure that the principle of free, prior, informed consent (FPIC) is followed in deciding whether or not an agribusiness project should push through.

Local communities have the right to say yes or no to a project that will impact their lives.⁵⁷ Much of the displacements associated with private sector agricultural investments, including the violent eviction of families and violation of human rights, occurred primarily because private companies and government authorities did not respect the rights of communities to their lands. ASEAN can help ensure that its Member States uphold and apply the principle FPIC in dealing with private agricultural companies. This can help minimize the incidence as well as the grave economic, social and political costs of displacing communities from their lands. Women should always be an integral part of the process of securing local communities' free, prior and informed consent over agribusiness project operations in their areas.

2. Introduce policies to protect national food security

ASEAN Member States must put in place measures to ensure that private agricultural investments do not displace food production for domestic consumption. These measures might include:

- Requiring private agricultural investors to allocate a minimum portion of the investment area for the cultivation of food crops to meet household and community food needs. This is particularly important to Southeast Asian women, the majority of whom get the family's supply of food from their backyard garden.
- Adopting national policies that will help them secure lands specifically devoted to food production, and discourage the conversion of these areas to large-scale plantations for the production of crops for export and biofuels.

3. Develop and enforce standards and regulations for fair and equitable contracts.

ASEAN can help its Member Countries adopt and observe common standards and guidelines for good contracts. These standards should include the following provisions:

- fair and equitable sharing of returns and risks among parties;
- enforcement of good labor standards and practices, including the observation of minimum wages, safe labor conditions, and proper valuation of labor, especially of the work of women, among others;
- establishment of regional standards inland valuation for purposes of determining fair and equitable rates for land rentals and land leases;
- transparency in the development and enforcement of market standards, particularly in the context of joint ventures and contract growing arrangements; and
- government oversight on the development and implementation of such contracts.

ASEAN can also develop initiatives for regional cooperation aimed at helping Members improve their capability to enforce these standards.

4. Develop and enforce common standards for publicly disclosed full impact assessment via multi-stakeholder processes.

ASEAN must initiate a broad-based multi-stakeholder process to develop regional standards for full impact assessment. Such standards should provide a comprehensive and strategic analysis of the possible costs and effects of private

sector agricultural operations on communities, food security and the environment. It should look at the present and future effects of agribusiness operations on soil fertility, water sources and supply, air quality, biodiversity, and health and safety of nearby communities, among others. Such impact assessment should be undertaken via a transparent and participative multi-stakeholder process, primarily involving the communities that will be affected by the agribusiness operations. The process of assessment should involve women and should include an evaluation of the specific impacts of projects on women's rights and welfare.

5. Strengthen mechanism through which peoples and communities can file complaints as well as seek and access remedy.

ASEAN must support its Member States in strengthening existing national mechanisms through which peoples and communities can lodge complaints against the unfair business practices of large-scale private sector agricultural companies. It must help member governments develop and implement policies aimed at providing remedies for affected peoples and communities. At the regional level, ASEAN should be in a position to help ensure that these national mechanisms are working and that all complaints are addressed.

The creation of such mechanism and the development of policies on remedies will go a long way in helping promote the enforcement of regional standards and guidelines. It can also help individual ASEAN Member States ensure that existing policies and regulations on investments are implemented.

Way forward

ASEAN can begin the process of developing regional policies to promote sustainable investments through a two-step process. First, it can start aggregating the existing policies of ASEAN Member States that influence, govern and regulate private sector agricultural investments. The five policy recommendations above can be used as an initial checklist of the policies that need to be in place and effectively implemented in each country. Second, based on the results of this aggregation, it can identify the policy gaps and develop the necessary safeguards and regulations to address these. The process of identifying these policy gaps and how they can be addressed should be undertaken through a multi-stakeholder process. Such process should involve affected communities, especially women, peoples' organization, civil society groups and other stakeholders' groups. Oxfam is willing to participate and contribute to this process.

NOTES

- ¹ Apart from adopting the ASEAN Comprehensive Investment Agreement (ACIA), ASEAN also entered into investment cooperation agreements and/or arrangements with many countries, including China and the European Union.
- ² From the Macroeconomic, Trade and Investment Aggregates, 2010, ASEAN Selected Statistics Leaflet: Selected Key Indicators for 2011
- ³ See “Agricultural Land Acquisitions: a lens on Southeast Asia” by Pollack E., International Institute for Environment and Development (IIED), April 2012; “Stolen Land, Stolen Future: A report on land grabbing in Cambodia” edited by Haakansson M. and published by Aprodev in December 2011; “Foreign Direct Investment (FDI) in Land in the Lao PDR” by Schoenweger O. and Ullenberg A, published by GTZ in December 2009; “Land Grabs in Cambodia” by Mu Sochua and Cecilia Wikstrom, published in the New York Times, July 18, 2012;
- ⁴ Roadmap for an ASEAN Community 2009-2015, ASEAN Secretariat, Jakarta, 2009
- ⁵ Please see the Framework Agreement on the ASEAN Investment Area for details of the provisions.
- ⁶ The full scope of the ASEAN’s new investments liberalization policies are contained in the ASEAN Comprehensive Investments Agreement
- ⁷ These provisions are contained in Articles 7, 8 and 12 of the ASEAN Comprehensive Investment Agreement
- ⁸ Agreement on Investment under the Framework Agreement on Comprehensive Economic Cooperation Among Member Countries of ASEAN and the People’s Republic of China, ASEAN Website
- ⁹ Agreement on Investment under the Framework Agreement on Comprehensive Economic Cooperation Among Member Countries of ASEAN and the Republic of Korea, ASEAN Website
- ¹⁰ Framework for Comprehensive Economic Partnership Agreement between ASEAN and Japan, ASEAN Website
- ¹¹ Overview of ASEAN-India Relations, ASEAN Website
- ¹² Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area, ASEAN Website
- ¹³ Overview of ASEAN-US Dialogue Relations, ASEAN Website
- ¹⁴ Overview of ASEAN-EU Dialogue Relations, ASEAN Website
- ¹⁵ Ibid
- ¹⁶ Data sourced from the ASEAN Investment Report 2011: Sustaining FDI Flows in a Post-Crisis World, produced by the ASEAN Secretariat in November 2011
- ¹⁷ Overview of the ASEAN Investment Area Council, ASEAN Website
- ¹⁸ ASEAN Investment Report 2011
- ¹⁹ Based on ASEAN Statistics
- ²⁰ From various studies: “Foreign Direct Investments in Land in Developing Countries”, commissioned by GTZ in behalf of the Federal Ministry for Economic Cooperation and Development and “Agricultural land acquisitions: a lens on Southeast Asia” International Institute for Environment and Development (IIED), April 2012
- ²¹ World Bank Data, available at <http://www.worldbank.org/depweb/english/modules/social/pgr/chart1.html>
- ²² Sourced from the OECD-FAO Outlook for 2011-2012
- ²³ OECD-FAO Agricultural Outlook 2011-2012
- ²⁴ Ibid
- ²⁵ Ibid
- ²⁶ See related ASEAN Press Release entitled “ASEAN-GCC to elevate relations to regular ministerial meetings” issued in 17 September 2008, ASEAN Website
- ²⁷ From the Description of the Land Management and Land Registration Project, between the National Land and Management Authority and GIZ; available at <http://www.giz.de/themen/en/30296.htm>
- ²⁸ This figure appeared in the article “Land Grabs in Cambodia” which was published in the New York Times on July 18, 2012. The authors of the article are Mu Sochoa, a member of the Parliament of Cambodia and Cecilia Wikstrom, a member of the European Parliament.
- ²⁹ For descriptions of the various contract growing schemes prevalent in the region, see: “Contract Farming in ASEAN countries, a fact finding study” by CREM BV, commissioned by Oxfam Novib in August 2008. See also Sriboonchitta, Songsak and Aree Wiboonpoongse. 2008. Overview of Contract Farming in Thailand: Lessons learned. ADBI Discussion Paper 112. Tokyo: Asian Development Bank Institute.
- ³⁰ From “Agricultural Land Acquisitions: Implications for Food Security and Poverty Alleviation” by Alexandra Spieldoch and Sophia Murphy, Woodrow Wilson International Center for Scholars, Asia Program 2009
- ³¹ Surichai, Wangseo et al “Private Sector Agricultural Investment in ASEAN”, Internal study commissioned by Oxfam International, 2011
- ³² The International Land Coalition, in its Assembly in Tirania, Albania in May 2011 defined land grabbing as acquisitions and concessions that are one or more of the following: (i) in violation of human rights, particularly the equal rights of women; (ii) not based on free, prior and informed consent of the affected land users; (iii)

not based on a thorough assessment, or are in disregard of , social, economic and environmental impacts, including the way they are gendered; (iv) not based on transparent contracts that specify clear and binding commitments about activities, employment, and benefit-sharing; and (v) not based on effective democratic planning, independent oversight and meaningful participation. This definition was cited in the Oxfam Briefing Paper entitled Land and Power, published in September 2011.

- ³³ For details on the case study, please see “Bittersweet: A Briefing Paper on Industrial Sugar Plantation, Trade and Human Rights in Cambodia” authored by D. Pred for Bridges Across Border Cambodia, September 2010. The case study also appeared in “Stolen Land, Stolen Future: A report on land grabbing in Cambodia” published by Aprodev in December 2011.
- ³⁴ The decision is contained in the website of the Compliance Advisor/Ombudsman, available at http://www.cao-ombudsman.org/cases/case_detail.aspx?id=76
- ³⁵ The IFC suspension was reported in the article “IFC suspends investment in palm oil over Wilmar case” which appeared in the Jakarta Post in September 2009.
- ³⁶ The details of the complaint are contained in the 3rd Complaint over Wilmar International, sent by the Forest Peoples Program to the IFC in November 2011. An “Assessment Report regarding community and civil society concerns in relation to the activities of the Wilmar Group of Companies in Indonesia” details the response and action of the Compliance Advisor/Ombudsman of the IFC on this matter.
- ³⁷ Environmental Justice Foundation, Risky Business, 2003. Environmental Justice Foundation, Smash & Grab, 2004. de la Torre, Barnhizer (eds). The blues of a revolution. ISA Net/APEX, 2003. Lebel et al, Industrial Transformation and Shrimp Aquaculture in Thailand and Vietnam: Pathways to Ecological, Social, and Economic Sustainability? *Ambio* 31(4), 2002. Van Mulekom et al, Trade and export orientation of fisheries in Southeast Asia: under-priced export at the expense of domestic food security and local economies. *Ocean & Coastal Development*, 49, 2006
- ³⁸ From “Overseas Farmland Investments - Boon or Bane for Farmers in Asia” by Raul Montemayor, Woodrow Wilson International Center for Scholars, Asia Program 2009
- ³⁹ From Business Models for Foreign Investment in Agriculture in Laos, TKN Report by R. Campbell, T. Knowles and A. Sayasenh, commissioned by TKN and IISD, July 2012
- ⁴⁰ The case study also appeared in “Stolen Land, Stolen Future: A report on land grabbing in Cambodia” published by Aprodev in December 2011.
- ⁴¹ For details, see “Complaint on: PT Agronusa Investama (Wilmar)” available at the RSPO website, http://www.rspo.org/en/status_of_complaint&cpid=8
- ⁴² From “Study on Private Sector Agricultural Land Investments in the Philippines” commissioned by Oxfam Great Britain in the Philippines, August 2010
- ⁴³ Ibid
- ⁴⁴ “Rice Contract Farming in Cambodia: Empowering Farmers to Move Beyond the Contract Toward Independence” by Junning Cai et al, ADB Institute Discussion Paper no. 109, June 2008 and “Rice Contract Farming in Lao PDR: Moving from Subsistence to Commercial Agriculture” by Sununtar Setboonsrang et al, ADB Institute Discussion Paper No. 90, February 2008
- ⁴⁵ “Study on Private Sector Agricultural Land Investments in the Philippines” commissioned by Oxfam Great Britain in the Philippines, August 2010
- ⁴⁶ Rice Contract Farming in Cambodia: Empowering Farmers to Move Beyond the Contract Toward Independence” by Junning Cai et al, ADB Institute Discussion Paper no. 109, June 2008
- ⁴⁷ Global Partnership in Poverty Reduction: Contract Farming and Regional Cooperation by Sununtar Setboonsrang, ADB Institute Discussion Paper No. 89, February 2008
- ⁴⁸ Ibid
- ⁴⁹ Van Mulekom, L., Axelsson, A., Batungbacal, E.P., Baxter, D., Siregar, R. and de la Torre, I. 2006. Trade and export orientation of fisheries in Southeast Asia: under-priced export at the expense of domestic food security and local economies. *Ocean & Coastal Management* 49: 546-561.
- ⁵⁰ Fishery used for producing fishmeal, which is an input in aquaculture production
- ⁵¹ Pauly et al, Towards sustainability in world fisheries, *Nature*, Vol 418, 2002.
- ⁵² Danielsen, F., Sørensen, M.K., Olwig, M.F., Selvam, V., Parish, F., Burgess, N.D., Hiraishi, T., Karunakaran, V.M., Rasmussen, M.S., Hansen, L.B., Quarto, A. and Suryadiputra, N. 2005. The Asian Tsunami: A Protective Role for Coastal Vegetation. *Science* 310: 643. Environmental Justice Foundation. 2006. Mangroves: Nature's defence against Tsunamis – A report on the impact of mangrove loss and shrimp farm development on coastal defences. Environmental Justice Foundation, London.
- ⁵³ Damanik, R. 2006. Mangrove, industrial aquaculture and certification. Presentation to north-south NGO meeting ‘Tropical shrimp certification – implications, risks and opportunities’, Bangkok, 25-27 September 2006.
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- ⁵⁵ “Mindanao Farmers converge to assess impact of plantation and aerial spray”, *Mindanews*, April 15, 2009
- ⁵⁶ Mariano. Allen. “Mapping of National and Regulatory Framework and Policies Governing Private Sector Agricultural Investments in ASEAN”, a study commissioned by Oxfam's East Asia GROW Campaign, 2011
- ⁵⁷ FPIC is enshrined as a right in the United Nation's Declaration on the Rights of Indigenous Peoples, and as a principle for all project affected communities in a number of other places, including the Principles and Criteria of both the Roundtable on Sustainable Palm Oil and of the Forest Stewardship Council.

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For further information on the issues raised in this paper please e-mail advocacy@oxfaminternational.org

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Farmers need support to ensure that their rights and welfare are protected like these Filipino farmers transporting their produce to the market.
Photo: Jerry Carreon/Oxfam GB