The Netherlands and the Global Land and Water Grab

HANDS OFF THE LAND

TAKE ACTION AGAINST LAND GRABBING

a joint project of TNI, FIAN International, FIAN Netherlands, FIAN Germany, FIAN Austria, IGO in Poland and FDCL in Germany.

FIAN

IGO Instytut Globalnej Odpowiedzialności

TNI

FDCL

The Netherlands and the Global Land and Water Grab

This briefing examines the involvement of The Netherlands in global land and water grabbing. In particular it explores two tendencies: i) direct financing by Dutch investors in large-scale land transactions; and ii) the Dutch government's endorsement of various corporate self-regulation schemes, investment codes, development and trade policies which have created an enabling environment for large-scale land deals to occur. The briefing ends with a set of concrete demands and recommendations directed towards the Dutch state and private investors to stop their involvement in land grabbing and respect the Right to Food.

One of the big questions this briefing addresses is when does a land deal or investment by Dutch investors turn into a land grab. In the absence of any consensus on what constitutes responsible investment, how it can be monitored, and how it should be enforced, the distinction between a productive 'investment' and an illegitimate 'grab' is not so clear. The Hands off the Land (HotL) coalition[1] believes that land grabbing is the capturing of decision making power over land and other associated resources like water, minerals or forests, in order to control the benefits of its use. In this context and as the particular case studies in this briefing highlight, land grabs are frequently 'legal', sometimes carried out 'transparently' and may even be regulated. Therefore for Dutch corporations and the government to rely on voluntary self-interpreting and self-regulating policies and codes of conduct does not safeguard communities from experiencing a land deal as a 'grab.' Their experiences of dispossession are why the HotL coalition believes it is critical to have an in-depth discussion about the desirability of particular types of investment and the model of development that underpins it.[2]

Key findings

This briefing uncovers considerable evidence that Dutch investors and the Dutch state are implicated in large-scale land deals:

- **Pension funds such as ABP are helping to fund large-scale land deals**. The pension fund ABP is the majority shareholder in the Global Solidarity Forest Fund (GSFF) which has acquired vast tracts of land in Mozambique for large-scale pine and eucalyptus tree monocultures. One specific plantation project – Chikweti Forests of Niassa – has been marked by irregularities from the start. While ABP acknowledges that there were problems in the beginning stages of the project, they maintain that this has now turned around since new local management has been instituted. A speakers tour organised by theo HotL coalition that included representatives from the national, provincial and local farmers' organisations however reported that the communities were still experiencing many of the same problems as before.[3]

- **Dutch institutional investors are speculating on food prices.** Dutch pension funds have approximately €20.5 billion (5% of the global total) invested in commodity derivatives markets, a quarter of which are believed to concern agricultural derivatives. Of these, PPGM, an asset manager owned by Dutch pension fund PFZW, was one of the first institutional investors in the world to include commodities in its investment portfolio. It remains 'one of the most heavily involved institutional investors' with 7% of its total assets invested in commodity futures, 10% of which involve agricultural derivatives.

- **Within Europe, the Netherlands is one of the key players in the importation of 'flex crops'[4] such as soy and oil palm that are major drivers of land appropriations in the global South.** The Netherlands is the biggest European importer and processor of palm oil, importing 1.7 million tonnes of crude palm oil per year worth €1 billion. Unilever, an Anglo-Dutch multinational consumer goods company, is the world's largest consumer of palm oil with over 80% of Unilever's revenue linked to brands with products containing palm oil. Case study evidence shows that two of Unilever's palm oil suppliers, the IOI Group and Wilmar International Limited, have been involved in land grabbing in Indonesia. The Netherlands is also the largest European importer of soybeans and soymeal, with four of the top ten European feed companies hailing from The Netherlands (Nutreco, Provimi, De Heus and Cehave Landbouwbelang). The vast majority of this soy – which is principally used to support Dutch factory farming - is imported, fuelling the expansion of extensive soy monocultures in Latin America that carries with it significant social and environmental costs.

- **Development finance is supporting a controversial biofuel project in Sierra Leone.** The Netherlands Development Finance Company (FMO) involved in financing Addax Bioenergy which signed a 50 year land lease agreement in 2008 with the government of Sierra Leone for a 20,000 hectare sugarcane plantation to produce ethanol for export to the EU. The structure of the land lease agreement is highly unequal: an analysis by 'Bread For All' shows that while Addax will receive an annual return of US$ 53 million, 2,000 low paid workers will receive only between 2% - 7% of these earnings. Concerns have also been raised about the impact of the project on Sierra Leone's largest river which Addax will use to irrigate its large-scale sugarcane plantation, potentially placing downstream users at severe risk of water stress.

- **A comprehensive and robust policy response to stop and rollback land grabbing is still lacking.** In her May 2013 letter to parliament on the issue, the Dutch Minister of Foreign Trade and Development Cooperation, Lilianne Ploumen, states that land grabbing is a 'grave concern' for her and that structural measures to counter land grabbing must be part of Dutch development cooperation policy. This structural solution however remains elusive. The expectation appears to be that land grabbing can be prevented through a combination of corporate self-regulation and adherence to the OECD Guidelines for Multinational Enterprises – a lose framework that sets extremely weak rules on investor behaviour and, in the case of the OECD Guidelines, contains no specific provisions for safeguarding land rights. A critical examination of the underlying drivers of land grabbing, such as the financialisation of food markets and the land import dependency generated by long-distance trade in soya and palm oil, is also lacking.

- **The Netherlands must help to secure the land and resource rights of rural communities by implementing the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security.** The Tenure Guidelines are the only international human rights instrument to deal with issues related to tenure of land and natural resources and should therefore serve as the primary policy guide in this area. The Dutch government officially endorsed the Guidelines in May 2012. It should now commit to implement the Tenure Guidelines by setting up a national multi-stakeholder platform, including civil society organisations, in order to evaluate and bring in line Dutch policy with the provisions set out in the Guidelines.

1. Pension Payers and Land Grabs:
The Case of ABP in Mozambique

Stichting Pensioenfonds ABP – the world's second largest pension fund with a total asset value of €246 billion – is increasingly turning to land and agriculture as targets for investment and profits. Signalling its interest with the slogan "The world is our farm", Jos Lemmens, ABP's senior portfolio manager, has announced that ABP seeks to raise its investment in land to around €1 billion.[5] In 2007, ABP decided to add timberland to its investment portfolio on the basis that "Investing in timberland is attractive for pension funds as it provides stable and potentially high returns".[6]

One such investment is the 60% interest ABP acquired in 2007 in the 'Global Solidarity Forest Fund' (GSFF)[7] – a US$100 million investment fund founded by the Diocese of Västerås in Sweden and the national Norwegian Church Endowment, OVF.[8] Claiming to focus on "investments with potentially high returns and a strong ethical, environmental and socio-economical profile"[9], GSFF has been involved in a number of 'sustainable' forestry projects in Mozambique and Angola. Its oldest and largest project is "Chikweti Forests of Niassa" in Mozambique, a commercial forestry plantation comprising pine and eucalyptus monocultures that is to deliver wood for the domestic and regional construction market in the short term but move into the export of forestry products over the longer term.[10] According to GSFF, the project will also provide environmental benefits and contribute to community based development.[11]

From the beginning, the project has been marked by a number of irregularities and a striking lack of transparency. It is for instance very unclear to what extent, on what basis, and under what conditions lands have been ceded to GSFF.[12] Following complaints by local communities about the invasion of GSFF into productive agricultural lands used by farming families, an investigation by the Mozambican Ministry of Agriculture (MINAG) and the National Directorate of Lands and Forests *(Direcçao Nacional de Terras e Florestas*, DNTF) in September 2010[13], found that Chikweti was, at the time, occupying 32,000 hectares of land illegally, without the required land title known as 'DUAT' (Direito de Uso e Aproveitamento da Terra, the right of use and benefit of land).[14] GSFF denies the findings of this report.[15] However, in the absence of full disclosure by GSFF and its investors and shareholders, it remains extremely difficult to obtain precise information about the exact number and size of DUATs.

The DUAT titling process also requires that meaningful consultation take place with the affected communities, to be carried out by the local authorities.[16] Yet in the case of Chikweti, consultations were carried out by the company itself. It also ignored the obligation to conduct separate consultations in each affected community, and in some instances, only met with community leaders.[17] Furthermore, local communities have complained that the company has not followed through on its promises to contribute to community development, including the building of a school, health post, store house, and water hole, in return for their approval of the plantation project.[18] The terms under which land was ceded to GSFF are thus highly contentious.

The appropriation of land from local farmers, without proper consultation and adequate compensation, is a direct violation of the 1997 Mozambican land law that guarantees peasant families access to their lands.[19] Weak enforcement mechanisms have meant that – despite its progressive land policy - in practice government officials often collude with large-scale investors and fail to respect, protect and fulfil the human rights of local farming families. The intervention of local provincial authorities in favour of the Chikweti project has even been acknowledged by its then director who admitted that the plantations had been operating despite the DUATs not being finalised thanks to the 'flexibility' of the former Governor.[20] Both the government authorities and GSFF have been criticised in this respect for "feeding a corrupt system and contributing to a deterioration of the already precarious living situation of the rural communities".[21]

The loss of access to farmland and natural forests, in a context where 80% of the population depends on small-scale agriculture for their livelihoods, puts communities at risk of food insecurity.[22]
It is far from clear that the jobs created by the Chikweti Forest project – which are scarce, unstable, and minimum wage - can compensate for the loss of farming livelihoods. While industrial tree plantations may be labour intensive in the initial stages, this tends to decrease significantly once the clearing, preparation and planting stages have been completed. This explains why the number of workers on the Chikweti Forest plantations has halved from 3,000 in 2011 to 1,500 in early 2012.[23] A real danger thus exists that "People give up land for a lifetime in exchange for 3 or 4 years of work".[24]

The ecological rationality of the project must also be questioned. Even though it began operating without an environmental license,[25] GSFF claims that Chikweti Forests can provide environmental benefits by reforesting degraded land, increasing carbon stocks, and protecting and sustainably managing native ecosystems.[26] Yet these claims are belied by the reality on the ground. The introduction of non-indigenous eucalyptus and pine monocultures has led to the destruction of native forests, soil erosion and degradation, and biodiversity loss.[27] While water shortages are not currently the main complaint raised by communities, these could be significant in years to come. With one eucalyptus tree requiring 100 to 1000 litres of water a day[28], local people's Right to Water is likely to increasingly come under threat as the trees mature and the plantation area expands.[29] It is important to note in this regard that "in all documented accounts of local community reactions to ITPs [industrial tree plantations], without exception, people complain that their water sources have dwindled or dried up".[30]

Despite these concerns, GSFF has applied for the FSC (Forest Stewardship Council) 'green' label which is supposed to signify that a forestry plantation is "socially beneficial, environmentally appropriate and economically viable".[31] The World Rainforest Movement fears that GSFF is using the process to legitimise unsound practices and effectively "certify the uncertifiable".[32]

There is also a danger that companies such as GSFF may exploit mechanisms such as REDD/REDD+, the payment scheme established in the context of the United Nations Framework Convention on Climate Change (UNFCCC) whereby countries can receive financing for actions that prevent forest loss or degradation, enable conservation, and encourage the sustainable management of forests and the enhancement of carbon stocks. GSFF for instance states that "The potential… of accessing voluntary carbon markets will be explored for each investment."[33] However, since UNFCCC's definition of forests does not distinguish between native forests and tree plantations, several experts fear that this mechanism could encourage the transformation of natural forests into plantations, thereby leading to further grabs of land and other natural resources.[34]

ABP has acknowledged that the Chikweti project failed to meet its ESG (environmental, social, and corporate governance) criteria on responsible investment.[35] It refuses however to withdraw its €47 million investment in GSFF[36], arguing that it can exercise more influence on the behaviour of GSFF while it remains a majority shareholder. It points to the fact that new management has been instituted by GSFF which ABP trusts to turn things around. The Netherlands Secretary of State for European Affairs and Development, Ben Knapen, has also responded to the case. Even though the government is the largest contributor to ABP, Knapen argues that the Dutch government does not dictate policy to private investors.[37] He does promise to raise the case of GSFF in the board of employers and the accountability organ of ABP in which the government has a seat. Despite a petition issued by the local farmers' organisation *Uniao Provincial de Camponeses de Niassa* (UNAC) calling for Western investors to stop financing forestry plantations in Mozambique[38], the Dutch government argues that investment in sustainable forestry projects are important to the development of Mozambique.

The question the Dutch government has yet to answer is how an industrial tree plantation that negatively restructures local economies and involves a number of biophysical overrides can ever be counted as sustainable. This also raises issues of accountability. Dutch pension payers have a right to know what their pension money is being used for and arguably have a say over how and where it is invested in order to avoid public money being channelled to fund land grabs.

As first steps, ABP (the majority shareholder in GSFF), should commit to full disclosure of information on the Chikweti Forests of Niassa project including the exact location of the DUATS currently acquired and applied for, the areas that have been planted, studies on impact assessments, employment generation and conditions, and commitments made to the communities. The Dutch government should furthermore start an investigation into the complaints of the local Mozambican organizations on the human rights impact of the Chikweti Forests of Niassa project.

2. Rabobank:

Corporate social responsibility or 'control grabbing'?

The Dutch Rabobank Group is one of the world's largest food and agribusiness banks.[39] Aiming to transform food chains into value chains, the bank's financial services span across the agricultural sector to cover production, processing, and trading activities. Inevitably, this has implications for land use. Rabo Farm for instance is a specialised agricultural fund of the Rabobank which invests in farmland. Through the Rabo Farm Europe Fund – a €315 million institutional investor vehicle - Rabo Farm buys, manages and leases arable land within the EU-27, focussing in particular on Eastern European countries, including Poland and Romania.[40]

This phenomenon of banks and other private investment funds controlling farmland is part of a financial calculus that is increasingly driving the European 'land question'. The danger with this model is that land simply becomes a commodity that is bought or sold according to its performance relative to other sectors and investment opportunities. Rabobank Netherlands for instance virtually owns most of the horticultural land in the Netherlands.[41] With the total debt of Dutch agriculture amounting to €30.2 billion, "...bringing these huge amounts of land to the market might become an attractive, maybe even necessary action. Such a scenario so far remains hypothetical, but it is far from impossible. The point is that if (or when) it would occur, Europe wil be without defense."[42]

Rabobank states that all its investments in food and agriculture are governed by ethical codes of conduct that mitigate the risks and negative impacts that can arise from these investments.[43] In addition to its own CSR policies, Rabobank has signed up to various international initiatives. Rabo Farm is a signatory of the Principles for Responsible Investment in Farmland (the 'Farmland Principles'), a private sector construct signed by around a dozen large institutional investors, mostly pension funds, to define minimum investment standards (see Box). Rabo Farm argues that "By placing its signature, Rabo Farm underlines its commitment to responsible investment in farms and farmland".[44]

Box 1. The Farmland Principles

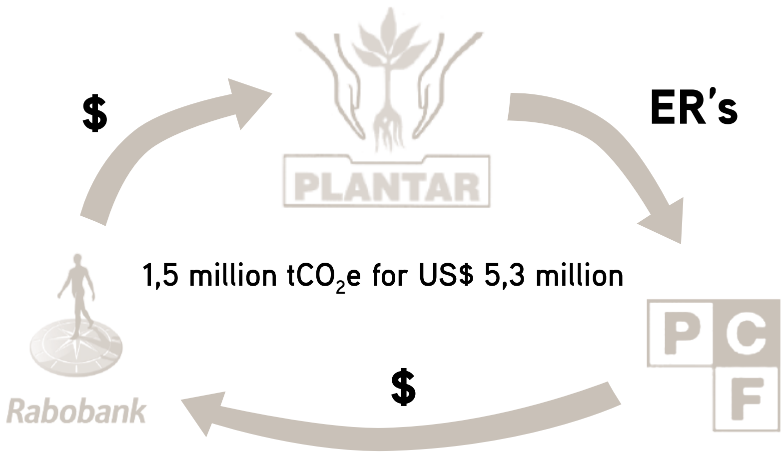
1. Promoting environmental sustainability
2. Respecting labour and human rights
3. Respecting existing land and resource rights
4. Upholding high business and ethical standards
5. Reporting on activities and progress towards implementing and promoting the principles

For full elaboration see: http://www.unpri.org/areas-of-work/implementation-support/the-principles-for-responsible-investment-in-farmland/

It is highly doubtful that this initiative will provide adequate protection against land grabbing. The Principles themselves are extremely vague and undefined, leaving it up to the investor to determine to what extent they are complied with. Principle 3 only commits investors to respect 'existing land and resource rights', thereby ignoring the imperative for pro-poor, redistributive agrarian reforms in countries marked by a high degree of land inequality. In cases where investments have potential significant adverse impacts, it simply calls on investors to undertake 'free, prior and informed *consultation*' with affected communities, something which is very different and far below the standards of 'free, prior and informed *consent*'. The 'high business and ethical standards' that Principle 4 speaks of meanwhile turns out to mean compliance with the rule of law and the prevention of corruption, extortion, and bribery, thereby overlooking the 'perfectly legal' way in which land is grabbed.

This points to a disconnect between the way in which corporate investors view the problem of 'land grabbing' and the way it is understood by farmers and civil society. An example of these differing perspectives is offered by the Plantar Project, a pig-iron and eucalyptus plantation operation located in the province of Minas Gerais in Brazil (see Box 2). Rabobank International was involved in the initial financing of the project. In 2003, Rabobank International signed off on a loan agreement to co-finance the 'Plantar Project'.[45] The financial structure of the project during the period of Rabobank involvement, as described by Fabio Marques, superintendent at Plantar Carbon, in April 2012, is depicted in Figure 1. In Rabobank's own words: "Plantar qualifies for both green financing at lower interest rates and for income from the sale of the sale of CO_2 reductions. This project is expected to lead to a reduction in CO_2 emissions of 12 megatons per year. Plantar sells these reductions to the PCF, of which the Rabobank is a shareholder".[46]

Figure 1. **Financial structure of Plantar**



Source: Marques, F. (2012). The forestry and charcoal sectors and the Plantar Carbon case: potential lessons for REDD+ initiatives. Brasilia, Climate Investment Funds Meeting of the FIP Pilot Countries April 2-4.

Rabobank states that the loan was repaid in 2008 and Rabobank is no longer involved in the Plantar Project.[47] Even though Rabobank has exited the project, questions may still be raised as to the legacy Rabobank leaves behind and the ethical implications of profiting from carbon trading and the sale of carbon credits, especially since Rabobank International was the first commercial bank in the world to become involved in a financing arrangement of this kind,[48] thereby setting an arguably dangerous precedent.

Box 2. Green financing or ‘green grabbing’? The Plantar Project in Brazil

As one of the first Clean Development Mechanism projects to be supported by the World Bank’s Prototype Carbon Fund (PCF), the project is described by the World Bank as a “successful pioneering project” that reduces carbon emissions by: (i) reforesting ‘deforested’ and ‘abandoned’ pasture lands with sustainably managed plantations, and (ii) using charcoal from eucalyptus plantations instead of coal coke in pig iron production. Various other social and environmental benefits are also touted for the project, including the “securing of high quality employment”.

The project has however attracted significant criticism from local community members. Far from being abandoned land, community members argue that the project is being used by the government of Brazil to legally dispossess them of their land. Meanwhile, the integrity of the former production system, in which cattle and native fauna lived alongside each other and small factories interspersed the landscape, has been destroyed to make way for vast eucalyptus monocultures. Rather than stimulating high quality employment, it appears that the project is largely labour saving - according to one account given by a local person in 2003 only generating 600 workplaces for a plantation area of 35,000 ha. Aerial spraying of pesticides has seen the surrounding soil and biodiversity of the native *cerrado* biome depleted and the health of local people threatened. The true carbon efficiencies generated by the project have also been called into doubt.

Sources: Lohmann, L. (2006). Carbon Trading: A Critical Conversation on Climate Change, Privatisation and Power. Uppsala, Dag Hammarskjöld Foundation; World Bank. (2013). “Brazil: Plantar Sequestration and Biomass Use “ World Bank Carbon Finance Unit. Retrieved August 1, 2013, from https://wbcarbonfinance.org/Router.cfm?Page=Projport&ProjID=9600.

3. Hunger Games: Dutch Pension Funds, Banks and Food Price Speculation

Excessive financial speculation in food markets has been linked to the dramatic food price spikes which occurred during the recent food crises.[49] This not only increased the ranks of those living in extreme poverty by between 130 to 150 million, it also fuelled a global land rush by countries seeking to reduce their dependency on volatile international food markets and by speculators seeking to profit from the financial revolution in soft commodities and rising land prices.[50]

Despite these dangerous trends, Dutch institutional investors continue to be heavily involved in the agricultural derivatives markets. Dutch pension funds in particular stand out, having approximately €20.5 billion (5% of the global total) invested in commodity derivatives markets, a quarter of which are believed to concern agricultural derivatives.[51] Of these pension funds, PPGM, an asset manager owned by Dutch pension fund PFZW, is most noteworthy. As one of the first institutional investors in the world to include commodities in its investment portfolio, it remains 'one of the most heavily involved institutional investors' with 7% of its total assets invested in commodity futures, 10% of which involve agricultural derivatives.[52] APG, asset manager of Dutch pension fund ABP, has 3% of its total assets in invested in commodity derivatives, about €1.6 billion of which are agricultural and livestock derivatives.[53] Dutch banks are also involved in the agricultural derivatives market: Rabobank has approximately €608 million invested in agricultural derivatives and ABN AMRO is an important clearer[54] in the global derivatives market.[55]

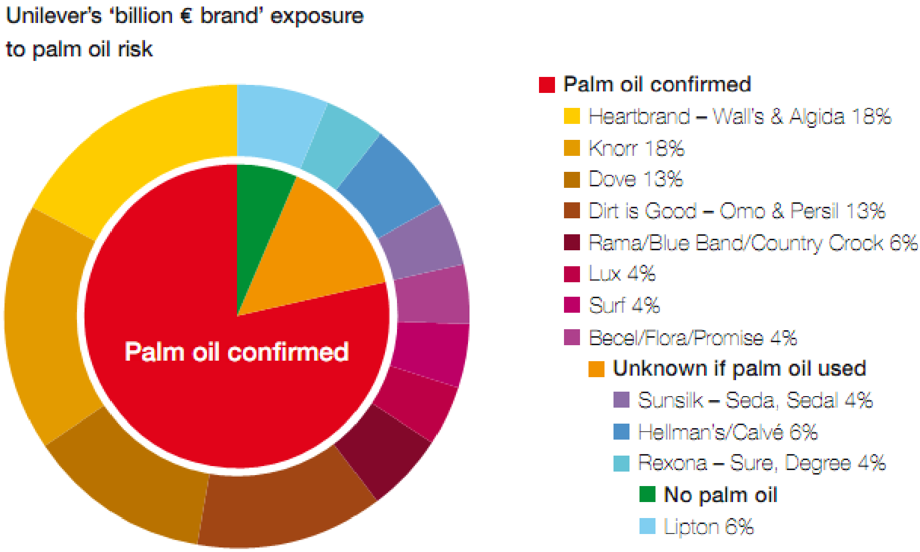
Even though a review of the 2007-2008 food crises by Olivier de Schutter, the U.N. Special Rapporteur on the Right to Food, concluded that "a significant role was played by the entry into markets for derivatives based on food commodities of large, powerful institutional investors such as hedge funds, pension funds and investment banks, all of which are generally unconcerned with agricultural market fundamentals", the response by Dutch banks and pension funds continues to be one of denial.[56] PFZW for instance rejects the notion that financial speculation is responsible for the volatility in food markets, arguing that rising food prices are related to real supply and demand factors. It asserts that it is committed to socially responsible investment and argues that it actually alleviates price volatility by rebalancing its portfolio and not conforming to the market behaviour of some other financial investors.[57] APG has released a similar statement arguing that its food and energy investments did not have an upward price effect and that on the contrary, institutional investors tend to have a 'cushioning effect' on prices.[58] Rabobank has also followed this line of reasoning, stating that its 'anti-cyclical' investment strategy exerts a stabilising impact on price volatility.[59] Given the opaque and complex nature of the global derivatives market, it is difficult to assess the validity of these claims. What can be concluded however is that "… a significant portion of the increases in price and volatility of essential food commodities can only be explained by the emergence of a speculative bubble."[60]

Dutch institutional investors are not the only actors existing in a state of denial. The Dutch government also refuses to acknowledge the link between financial speculation in agricultural derivatives markets and the food crisis with the Secretary for Economic Affairs, Agriculture, and Innovation, Henk Bleker, commenting that there is "little evidence of a causal relationship".[61] Some Dutch parliamentarians have spoken out against food price speculation with the Dutch social democratic Euro-parliamentarian, Ieke van den Burg, calling such activities "morally condemnable investments" and the Dutch social democratic parliamentarian, Harm Evert Waalkens, arguing that "It isn't right to make money off of the backs of poor people".[62]

4. Unilever and Palm Oil:
An Intimate Relationship

The Netherlands is the biggest European importer and processor of palm oil, importing 1.7 million tonnes of crude palm oil per year worth €1 billion.[63] Unilever, an Anglo-Dutch multinational consumer goods company, is the world's largest consumer of palm oil.[64] With over 80% of Unilever's revenue linked to brands with products containing palm oil (see Figure 2) and with a strong growth potential identified for Unilever's home and personal care brand products in emerging markets, Unilever is fuelling an expanding global palm oil sector.[65] This carries with it a considerable risk that land will be grabbed for the growth of oil palm plantations, particularly in Indonesia where Unilever's sources half of its total palm oil consumption.[66] Case-study evidence indicates that this is already happening with two of Unilever's palm oil suppliers, the IOI Group and Wilmar International Limited, facing charges of land grabbing in Indonesia. This briefing examines the alleged involvement of Wilmar International in land grabbing and human rights violations in greater detail.[67]

Figure 2. **Breakdown of Palm Oil Used in Unilever's Branded Products**



Source: Greenpeace. The Hidden Carbon Liability of Indonesia Palm Oil.

Wilmar International Limited is Asia's leading agribusiness group, the largest global processor and merchandiser of palm oil, the largest palm biodiesel manufacturer in the world and a major oil palm plantation owner in Indonesia and Malaysia with a total planted area in 2009 of more than 235 000 hectares.[68] Wilmar maintains multiple Dutch connections, acting as a major supplier of palm oil to Unilever, listing Rabobank, ING, ABP, and PfZW among its financial backers, and owning two refineries in the port of Rotterdam.[69]

Despite Wilmar being a member of the Roundtable on Sustainable Palm Oil (RSPO) - a multi-stakeholder initiative which seeks to regulate the sector based on voluntary sustainability criteria – Wilmar's activities in palm oil projects in Indonesia, Nigeria, and Uganda have been plagued by controversy.[70] Newsweek ranked Wilmar last amongst a recent survey of the environmental performance of 500 publicly traded companies.[61] According to a report by Milieudefensie et. al, Wilmar has been involved in the 'intentional and systematic' illegal burning of forests to clear land for its plantations in West Kalimantan, Indonesia.[72] It has also encroached on land beyond its allocated borders and undertaken plantation development without the approved Environmental Impact Assessment permits. All this threatens the customary rights of local communities to access forests. In Sumatra meanwhile, indigenous villagers from Anak Dalam Sungai Beruang have angrily denounced Wilmar, through its subsidiary Asiatic

Persada, for the dispossession, sometimes with force, of the 5,100 hectares of their ancestral land.[73]

Wilmar has denied all allegations, calling the accusations against it 'gross distortions' and countering that the villagers in Sumatra were 'laying claim to land to which they had no right'.[74] Following public actions and campaigns on land grabbing and human rights abuses by Wilmar in Indonesia, Unilever spokesperson, Merlin Koene promised in December 2011 that "We will contact Wilmar and urge the company to rebuild the destroyed houses – and to do so where the people want to live."[75] Koene also stated that if no progress had been made after 30 days, Unilever would rethink its business relationship with Wilmar. This deadline has now passed with little evidence that the situation has improved. Rabobank, which has extended loans worth €222 million to Wilmar,[76] has refused so far to accept any accountability stating that, "We do not simply accept the allegations as they arise in the media or by NGOs but rather undertake a rigorous research and verification process before accepting and acting on allegations".[77]

Former Economic Affairs Minister, Maxime Verhagen, has called for the abolition of EU import levies on sustainably produced crude palm oil.[78] However, it is highly questionable how one is to differentiate between 'sustainable' and 'unsustainable' palm oil production. If the RSPO process is allowed to define what counts as 'sustainable' palm oil, then there is a real risk that land grabbing and human rights violations relating to palm oil production will simply continue (see Box 3). All of the actors surveyed here – Unilever, IOI Group, Wilmar International Limited, and Rabobank - are after all members of the RSPO. The result is that even among the RSPO's own members, unsustainable palm oil continues to dominate.

Box 3. Problems with the RSPO Standard

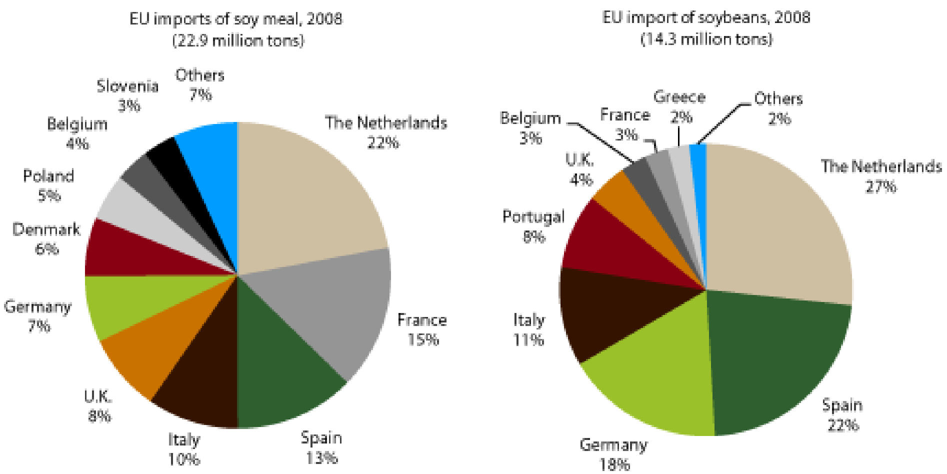
The RSPO's vision is to "transform markets to make sustainable palm oil the norm". It proposes a set of 8 principles relating to transparency, legal compliance, economic viability, environmental responsibility, social impacts, and monitoring and review mechanisms amongst others. While these principles may sound reasonable, they contain a number of notable deficiencies. The criteria do not for instance address the greenhouse gas emissions that result from oil palm production, deforestation and peatland degradation nor do they guarantee improved traceability. Unilever for instance still cannot identify the source of 20% of palm oil supplies. Most worryingly, RSPO members have still been found to rely on suppliers involved in land grabbing and large-scale forest destruction. In this sense, the RSPO standard actually risks doing more harm than good by justifying the continued expansion of the palm oil industry, burnished by the illusion that this can occur in a sustainable fashion.

Sources: RSPO (2007). RSPO Principles and Criteria for Sustainable Palm Oil Production. Kuala Lumpur, RSPO.

5. Dutch Food and Feed Industry and the Problem with 'Responsible' Soy

The Netherlands is a key player in the global soy trade. Within the European Union, The Netherlands is the largest importer of both soybeans and soymeal (see Figure 3). According to the latest figures provided by the Soja Barometer 2012, The Netherlands imported 8.7 million tonnes of soy in 2011.[79] Most of this soy (68%) is then crushed at one of the two huge crushing plants that are owned by the two largest soytrades in the world: adm in Rotterdam and Cargill in Amsterdam. It is then re-exported, mostly to other European countries.[80]

Figure 3. **The Netherlands' Share of Total EU Soy Imports in 2008**



Source: Oil World April 2009

The principal use of these soy imports is as a source of cheap, protein-rich animal feed for Europe's intensive livestock industry. In total, more than 100 animal feed companies are active in The Netherlands[81], including the Dutch owned Nutreco, Provimi, De Heus and Cehave Landbouwbelang that are among the top 10 largest feed companies in Europe.[82] In 2011, they produced 14 million tonnes of animal feed with a soy content of between 13% to 18%.[83] In this way, Dutch soy imports play a particularly important role in supporting European factory farming.

With only 2% of the EU's total consumption of soybean meal grown within the EU's borders, the EU has amassed a huge protein deficit.[84] As the largest importer within the EU, the Netherlands is a major contributor to this protein deficit -

every year, a land area almost the size of The Netherlands is required to cultivate the soy that is imported into the country.[85] This protein deficit is met through the rapid growth of soy production levels in other countries, principally in the form of vast soy monocultures in Latin America.[86] The fundamentals of this agricultural trade and production model need to be seriously questioned given that the expansion of the soya frontier in Latin America has carried with it significant social and ecological costs, including deforestation, soil degradation, health scares, and the grabbing of land from small-scale farmers and indigenous peoples in Argentina, Paraguay and Brazil.[87]

Growing awareness of the damage caused by soy production and the soy trade and fears that this would generate a consumer backlash led to the setting up in 2005 of the Round Table for Responsible Soy (RTRS) – "a global platform composed of the main soy value chain stakeholders" which claims to promote so-called 'sustainable' soy production.[88] The RTRS has however come under heavy attack. In an open letter, more than 240 organisations worldwide strongly rejected the 'responsible' soy label developed by RTRS.[89] They pointed out that genetically modified Roundup Ready Soy which is tied in to the use of the highly toxic herbicide, glyphosate, can hardly be considered 'responsible'. Furthermore, the criteria of the RTRS do little to prevent further land grabbing or deforestation. Future deforestation is allowed as long as the area in question does not concern primary forests, a conservation area, or 'local peoples land', with no elaboration on how this is to be defined.[90] The land clause of the RTRS meanwhile only prohibits soy expansion in cases where there is "an unresolved land use claim by traditional land users under litigation" – essentially tying the protection of local land user rights to an arduous and costly legal process.[91] In protest to these and other deficits, a number of members of the RTRS withdrew their support including Aprosoja (representing 6,000 soy producers in Matto Grosso), ABIOVE (representing the Brazilian vegetable oil sector), and FETRAF, a Brazilian family farmers' organisation.[92]

Dutch support for the RTRS however holds firm. A large number of Dutch actors are members of the RTRS including Ahold, Unilever, Campina, Akzo-Nobel, Rabobank, Shell International, Wageningen University and Research Centre, and ForFarmers amongst others. The Dutch development NGO, Solidaridad, is a member of the executive board. The Dutch government also supports the RTRS, donating development financing to the RTRS process through the Initiative for Sustainable Trade (IDH).[93] In June 2011, The Netherlands became the first country to purchase soy carrying the RTRS label, buying 85,000 tons of RTRS certified soy from the Brazilian producer Grupo Andre Maggi.[94] This provoked a public campaign involving a 'gifsoja' (toxic soya) sticker action and the delivery of a petition signed by 26,000 people calling on Ahold (the owner of Dutch supermarket chain Albert Heijn) to stop its marketing of so-called 'responsible' soya.[95] In response, Hugo Byrnes, Ahold representative in the RTRS, admitted that the criteria for responsible soya need to be improved and that supermarkets have therefore chosen not to put the RTRS label on their products as of yet.

6. 'Feel the Energy'?:
The Case of Bioshape in Tanzania

A Dutch clean energy company, Bioshape, has been involved in a controversial biofuel project in Tanzania. In 2006, the company signed a lease agreement transferring 80,000 hectares of coastal woodland in the southern district of Kilwa to Bioshape for growing jatropha, a shrub whose seeds contain an oil which can be converted into a fuel.[96] Bioshape planned to export these seeds from Tanzania to The Netherlands for processing to produce electricity, heat and biodiesel. Backed by large investors, including the Dutch merchant bank Kempen & Co and the Dutch energy utilities company Eneco, Bioshape invested €25 million in a processing facility in Lommel, the first step in what was to be a grand network of refineries and co-generation plants throughout The Netherlands and Belgium.[97]

This ambitious project has now ground to a halt, marred by accusations from the Lawyer Environmental Action Network amongst others that the company misled the local farming community in order to obtain the land lease agreement. According to an article that appeared in the Dutch newspaper NRC, promises that farmers would receive fair compensation have gone unmet with 60% of the compensation appropriated by the government District Office, which has no legal claim to the money, rather than to the farmers.[98] Following the withdrawal of its major investor, Eneco, who expressed reservations about the economic and environmental sustainability of the project, and charges by a former employee that Bioshape was deliberately deceiving investors with respect to the size of the plantation, the company was forced to cease its field operations and salaries to local employees in February 2010.[99] With valuable hardwood trees contained within Bioshape's land lease area, the company turned to logging to help subsidise its biofuel project. An investigation conducted by REM, a British organisation monitoring the use of natural resources worldwide, found that Bioshape had been engaging in illegal timber sales.[100] Facing liquidation, Bioshape vigorously denies all allegations made by what it calls 'the opponents of Bioshape'.[101]

7. Flying on Biofuels: KLM

In June 2011, KLM Royal Dutch Airlines operated its first commercial flight from Amsterdam to Paris using bio-kerosene.[102] This has become emblematic of a wider move within the aviation industry to switch from conventional fossil fuel kerosene to jetfuel made from vegetable oils and biomass including jatropha, palm oil, camelina, used cooking oil, and animal fat. These biofuels have been presented by the aviation industry as a solution to the rising cost and scarcity of fossil fuel and critically, as a means by which the industry can continue to grow in the face of increasing scrutiny of the sector's CO_2 emissions.

In the European context, the EU has been a major proponent of biofuels which it has encouraged through a variety of mandatory targets and subsidies, including the Renewable Energy Directive (RED) which requires that 10% of all member states' road transport fuel should come from renewable energy sources by 2020.[103] With respect to the aviation industry, the European Union Emissions Trading Scheme (EU ETS) has acted as one of the key incentives for the industry's experiment with biofuels. With airlines subject to extra costs if they exceed their upper limit on carbon allowances (or certificates), aviation biofuels are classified by the EU ETS as being 'carbon neutral', meaning that they are believed to produce no net CO_2 gain and therefore do not use up any carbon certificates.[104] Although such claims are highly dubious (see Box 4), the European aviation industry has announced its intention to expand its use of bio-kerosene to 2 million tonnes by 2020.[105]

There is already evidence that the demand for biofuels by the European aviation industry is leading to land grabbing. The Waterland Group, a consortium established to support a joint investment initiative by several Dutch companies in the biomass power market, has been involved in jatropha production for aviation fuel for the airline Lufthansa in Grobogan, Indonesia.[106] Despite Waterland Group claiming complete sustainability in all of its investments, a report by Milieudefensie maintains that the company is having a negative impact on local food security with jatropha replacing food crops and labourers picking jatropha nuts earning as little as €0.68 a day.[107] This has sparked social conflict within the communities.

Box 4. Bio-kerosene and the Carbon Neutral Myth

The supposed carbon neutrality of bio-kerosene and biofuels needs to be critically evaluated. It does not for instance take account of CO_2 emissions produced during the cultivation, harvesting and processing of biofuels. Nor does it pay attention to the effects of indirect land use change: the impact of converting land for biofuel production on population displacement, deforestation, and competition over natural resources.

Following assertions made by Waterland's director that the company was contracted to supply bio-kerosene to KLM, the airline issued a statement saying that it has no current or future plans to do business with Waterland.[108] It is clear that KLM is trying to distance itself from the criticism levied against aviation biofuels by pointing out that the more than 200 flights it will be operating from September 2011 on bio-kerosene will be running on used cooking oil.[109] KLM managing director, Camiel Eurlings has stated that "[with used cooking oil] you do not have all the disadvantages of standard biofuels, that deforestation takes place, that there is too little water in those developing countries where biofuels are grown, there is not enough food, etc.".[110]

Although used cooking oil may be a less controversial biofuel, it is questionable how far this can drive the expansion of aviation biofuel use given its limited availability. The Dutch environmental organisation, Milieudefensie, argues that as bio-kerosene use is scaled up, it will increasingly be met by jatropha and palm oil sources.[111] KLM is certainly planning to expand its biofuel use. Supported by a €1.25 million subsidy from the Dutch government, KLM is planning to bring up to 10,000 tonnes of bio-kerosene onto the market by 2015.[112] The Dutch pressure group, SkyNRG, founded in 2009 by KLM, the Dutch oil company North Sea Group, and a consulting firm Spring Associates, is also actively lobbying for further bio-kerosene growth.[113] This entails further risks of land grabbing.

8. NABC and Narratives of Investment

Actors involved in the take-over of land and its natural resources often portray such developments as part of a process of positive (and inevitable) social and economic change. They help to 'unlock' yield gaps, modernise ailing rural economies, and generally produce 'win-win' outcomes for all concerned. An example of such a narrative is given by the Netherlands-African Business Council (NABC), a network which aims to be the "main platform for the Dutch private sector active in Africa".[114] It promotes trade and investment in Africa and, together with Dutch embassies and government officials, organises trade missions to Africa for Dutch private sector representatives.

Highlighting the close bilateral trade relationships that exist between The Netherlands and Ethiopia, NABC reports on a Dutch trade mission to the Oromia region of Ethiopia to scope out foreign investment opportunities for the Dutch livestock industry: "Fifteen entrepreneurs, all of them involved in meat processing or activities relating to poultry farming, gape in admiration at the abundant and idyllic landscape in which local farmers herd their cattle, sheep and goats".[115] Commenting on the potential for Dutch expertise and investment in Ethiopia it notes that, "Cattle, camels, goats and sheep are being shipped out to the Middle East on a daily basis... It all depends on the dedication of foreign investors... The market is there: meat demands from the Middle East are huge".[116] Reference is also made to the positive experience of Dutch investors in the horticultural sector in Ethiopia as an example of the contribution the Dutch private sector can make to development.

Yet such a narrative is highly misleading. Hidden behind descriptions of an 'abundant' and 'idyllic' landscape, the Oromia region of Ethiopia has been the target of increasing competition over land between foreign agri-business investors and indigenous farming communities. One million hectares has been leased to 896 companies since 2009.[117] Far from the horticultural sector serving as a model for ethically sound development, a study of nine horticultural farms in the Oromia region of Ethiopia, two of which are owned by investors from The Netherlands, has found that these enterprises have been implicated in the abrogation of indigenous water rights – in effect a form of 'water grabbing'.[118] It is clear then that there is little critique of the context in which Dutch investment in Ethiopia is to occur. Producing food for export, diverting arable land to the production of animal feed rather than food crops, re-allocating water resources towards foreign owned enterprises, can have a potentially damaging impact on local livelihoods, food security, and ecosystem management. In recognition of the fact that "investors have not been utilising land allocated for investment appropriately", the Ethiopian Ministry of Agriculture has recently suspended land allocations for investment purposes pending a review process.[119] It is against this backdrop that NABC's call for expanding private sector instruments using Dutch development aid needs to be closely scrutinised.[120]

9. Dutch Development Cooperation Policy:
Supporting Land Grabbing in the Name of Development

In recent years, Dutch development cooperation policy has witnessed a re-orientation towards a more market-led approach to development in which the Dutch private sector features prominently. Yet a danger exists that such a strategy will be used to restructure agrarian landscapes along exploitative and exclusionary lines. Dutch development aid is in fact already being used to finance controversial projects through so-called 'public-private partnerships' (PPPs), one of the cornerstones of the new Dutch development cooperation policy.

One such example is The Netherlands Development Finance Company (FMO), a public-private partnership between the Dutch state and other private sector investors, which is involved in financing Addax Bioenergy, a division of the Swiss based energy corporation Addax and Oryx Group, in which FMO is also an equity partner.[121] In 2008, Addax Bioenergy signed a 50 year land lease agreement with the government of Sierra Leone for a 20,000 hectare sugarcane plantation to produce ethanol for export to the EU. Addax holds high hopes for the project, stating that it aims to become “a benchmark for responsible investing”.[122]

This rhetoric has not been matched by the reality on the ground. Claims made by Addax and the government of Sierra Leone that the land in question is degraded and of poor soil quality are disputed by local farming communities who use the land for rice, cassava and vegetable cultivation.[123] Local farmers have reported that Addax exploited traditional authority structures, where the power of local chiefs or public officials can often not be challenged, to obtain their consent to the lease agreement. A major concern is that women were apparently not consulted, nor did they receive a rental fee since Sierra Leonean law prohibits women from owning land in the region in which Addax is operating.[124]

Promises that the project would contribute to local employment and community development have supposedly not been fulfilled. Local jobs have reportedly been minimal, poorly paid and insecure while schools, health facilities, a community centre and waer wells have so far not materialised.[125]
An analysis of the land lease agreement carried out by ‘Bread For All’ shows that the distribution of the returns is highly unequal: 93% - 98% of the added value is captured by Addax and a major shareholder, generating an annual return of US$ 53 million. The 2,000 Sierra Leonean workers and some expatriates meanwhile receive only between 2% - 7% of the project’s returns.[126]

The project also threatens the Right to Water of local populations. According to an impact assessment carried out by WaterLex on behalf of Bread For All, Addax will use 26% of water flow of the river Rokel (Sierra Leone’s largest river) during the driest months (February to April) to irrigate its sugarcane plantation, likely placing downstream users at severe risk of water stress.[127] They also found that insufficient guarantees were in place to protect against ground water contamination by nitrates and phosphates and to ensure access to safe drinking water for the local population.[128] The European Investment Bank had earlier declined funding for the ADDAX project. Bread For All states that this was due to non-compliance with the bank’s environmental standards.[129] One must wonder why this did not raise any red flags for FMO’s involvement in ADDAX Bioenergy.

Box 5. False Promises: Addax Bioenergy in Sierra Leone

“They came here telling us they would remove us from our poverty. Instead, they are adding to it” – local villager in Lungi Acre, Sierra Leone.

Source: Baxter (2011).

10. Synergies and Tensions:
The Dutch Government's Position on Land Grabbing

The Dutch government has acknowledged the problem of land grabbing on various occasions, stating that structural measures to counter land grabbing must be part of Dutch development cooperation policy.[120] In a letter to Parliament on 16 May 2013, the Minister of Foreign Trade and Development Cooperation, Lilianne Ploumen, asserted that land grabbing was a "grave concern" for her.[131] A number of political debates have been dedicated to the topic: in February 2013, the National Committee on Development Cooperation commissioned a public hearing on the issue in which NGOs, knowledge institutes, and the private sector were invited to share their views and in September 2013, a general consultation was organized with Minister Ploumen.

In terms of its land policy, there are signs that The Netherlands is moving in the right direction. The Netherlands endorsed the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in May 2012. The 2004 EU Land Policy Guidelines, which contain many progressive elements and which recognise that access to land and its resources are linked to the realisation of a number of fundamental human rights, have been adopted by The Netherlands as an official guide to land governance issues.[132] A 2011 inventory prepared by the IS Academy on Land Governance for Equitable and Sustainable Development shows that the Dutch Ministry of Foreign Affairs supports a wide variety of projects around the world related to watershed and ecosystem management, increasing women's access to land and property, land conflict resolution, and community capacity building amongst others.[133] The Netherlands is also an active participant in the recently re-instated EU Working Group on Land Issues.

This relatively progressive position on issues of land governance contrasts however with the Dutch government's conservative stance on the question of investment in land and agriculture. This includes most strikingly the assertion that there are 'no signals' to suggest that Dutch companies or investors are involved in land grabbing.[134] It also extends to the arms length approach the Dutch government has taken when it comes to holding Dutch investors to account, as in the case with APB. Instead, various private sector promotion instruments that the Dutch government operates – such as the Private Sector Investment programme (PSI), the Initiatief Duurzame Handel (IDH, 'Sustainable Trade Initiative') and FMO are likely encouraging more Dutch companies to acquire land for 'agro-investments'.[135]

A critical examination of the underlying drivers of land grabbing, such as the financialisation of food markets and the land import dependency generated by long-distance trade in soya and palm oil, is also lacking in the Dutch policy response. A key part of the strategy to counter land grabbing must centre on supporting alternatives to these initiatives and this model of development. It is only then that the tensions between different facets of Dutch policy can be ironed out and a true coherent response to land grabbing can be formulated.

11. Recommendations and demands

In conclusion, this briefing proposes the following set of recommendations in order for The Netherlands to stop its involvement in the global land and water grab.

The Dutch state should:

- Commit to the implementation and monitoring of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, which were adopted in May 2012 by the UN Committee on World Food Security, of which The Netherlands is a member.[136] The Guidelines are the only international human rights instrument to deal with issues related to tenure of land and natural resources and should therefore serve as the primary policy guide in this area. To make true on its endorsement and adoption of the Guidelines, the Dutch government should:

    - set up a national multi-stakeholder platform in order to evaluate and bring in line Dutch policy with the provisions set out in the Guidelines, as set out in paragraph 26.2 of the Guidelines

    - ensure that Dutch private investors do not harm or impair human rights, as set out in Paragraph 3.2 of the Guidelines:

      States, in accordance with their international obligations, should provide access to effective judicial remedies for negative impacts on human rights and legitimate tenure rights by business enterprises. Where transnational corporations are involved, their home States have roles to play in assisting both those corporations and host States to ensure that businesses are not involved in abuse of human rights and legitimate tenure rights. States should take additional steps to protect against abuses of human rights and legitimate tenure rights by business enterprises that are owned or controlled by the State, or that receive substantial support and service from State agencies.

- Comply with its Extra-Tterritorial Human Rights Obligations to respect, protect and fulfil all economic, social and cultural rights, in particular the Right to Food and Water as enshrined in the International Covenant on Economic, Social and Cultural Rights and explained in the Maastricht Principles on Extraterritorial Obligations of States (ETO Principles).[137] The impact of Dutch investment in land and its associated natural resources on the rights and livelihoods of people should be analysed and tackled from the perspective of the extraterritorial obligations of States.

- Seek stronger regulation to prevent food price speculation. The Dutch government should drop its attitude of denial and observe the growing body of evidence which links speculation in food and agricultural derivatives markets with the food crisis and the global rush for land.

- End its support for the RSPO and RTRS. It is clear that these initiatives are failing to stop land grabbing and human rights violations from occurring and are in fact in danger of legitimising these practices by giving the impression that unsustainable soy and palm oil has been produced responsibly.

- Revise its claims about the supposed greenhouse gas savings and other environmental and social benefits of biofuels. Not only are the CO_2 emissions of biofuels vastly underestimated, biofuels are also a major driver of displacement, deforestation, food insecurity, water depletion and pollution around the world. The Dutch government should therefore withdraw from conferring subsidies and targets to biofuel use by Dutch companies.

- Look to find ways to change unsustainable patterns of production and consumption of agricultural products, energy, and mineral resources. This is a long-term strategy which requires mobilising all stakeholders, including Dutch consumers, to build alternatives to current market patterns.

- Commit to achieving policy coherence for development as asserted by the 2009 Lisbon Treaty. This entails that no Dutch investment should undermine the EU's strategy to enhance global food security and the UN Millennium Goals 1 and 7 to eradicate extreme hunger and poverty and ensure environmental sustainability respectively.

Dutch private investors should:

- Formulate and adhere to an investment policy which explicitly addresses the human rights challenges posed by investments in land and develop specific strategies to counter the potential threat of land grabbing. General codes of conduct and corporate social responsibility criteria are inadequate to deal with the problem of land grabbing. Instead, private companies should live up to their obligations as stated under paragraph 3.2 of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security:

  > *Non-state actors including business enterprises have a responsibility to respect human rights and legitimate tenure rights. Business enterprises should act with due diligence to avoid infringing on the human rights and legitimate tenure rights of others. They should include appropriate risk management systems to prevent and address adverse impacts on human rights and legitimate tenure rights. Business enterprises should provide for and cooperate in non-judicial mechanisms to provide remedy, including effective operational-level grievance mechanisms, where appropriate, where they have caused or contributed to adverse impacts on human rights and legitimate tenure rights. Business enterprises should identify and assess any actual or potential impacts on human rights and legitimate tenure rights in which they may be involved.*[138]

- Stop speculation in food and agricultural derivatives markets. This speculation has been linked to dramatic food price inflation, causing a food crisis which has plunged millions of people into extreme poverty and accelerated a global rush for land.

- Invest in alternatives to the global agro-food-feed-fuel complex. This should be based on a frank assessment of the true costs of current production and consumption patterns. In the case of biofuels for the energy and transport industry, this assessment should be based on a full life cycle analysis of biofuel CO_2 emissions as well as the effects of indirect land use change.

End Notes

1 The Hands off the Land project aims to raise awareness about land grabbing amongst the European public, politicians, policy makers, students and professionals. It is a joint project of TNI with FDCL, IGO Poland, FIAN International-Austria-Germany-Netherlands. For more information, see: **http://www.tni.org/page/about-hands-land**

2 For an overview of TNI's definition of 'land grabbing' see TNI (February 2013) 'The Global Land Grab: A Primer: **http://www.tni.org/primer/global-land-grab**

3 A documentary film, 'Seeds of Discontent', tells the story of one of the plantation workers of Chikweti Forests, Amado. It was commissioned by the Transnational Institute and FIAN International as part of their work in the Hands off the Land Alliance. For more information and viewing of the film, go to: **http://www.seedsofdiscontent.net/**

4 Flex crops are crops are crops that have multiple uses (food, feed, fuel, industrial material) that can be easily and flexibly inter-changed: soya (feed, food, biodiesel), sugarcane (food, ethanol), oil palm (food, biodiesel, commercial/industrial uses), corn (food, feed, ethanol). To read more, see: TNI (2013). The Global Land Grab. A Primer. Amsterdam; TNI.

5 Friends of the Earth Europe (2012). Farming Money: How European Banks and Private Finance Profit from Food Speculation and Land Grabs. Brussels, FOEE.

6 ABP (2007). Pressrelease - ABP acquires an interest in the sustainable Global Solidarity Forest Fund Heerlen, ABP.

7 *Ibid*

8 Seufert, P. (2012). The Human Rights Impacts of Tree Plantations in Niassa Province, Mozambique. Heidelberg, FIAN International.

9 Global Solidarity Forest Fund (2007). Memorandum of investment.

10 Seufert, P. (2012). The Human Rights Impacts of Tree Plantations in Niassa Province, Mozambique.

11 Global Solidarity Forest Fund (2007). Memorandum of investment.

12 Seufert, P. (2012). The Human Rights Impacts of Tree Plantations in Niassa Province, Mozambique.

13 República de Moçambique/Ministério da Agricultura/Direcção Nacional de Terras e Florestas, 2010

14 *Ibid;* Mozambique Political Process Bulletin (2011). Land Moves Up the Political Agenda, CIP & AWEPA. 48: 1-18.,

15 Seufert, P. (2012). The Human Rights Impacts of Tree Plantations in Niassa Province, Mozambique.

16 *Ibid*

17 *Ibid*

18 *Ibid*

19 Overbeek, W. (2010). The Expansion of Tree Monocultures in Mozambique. Impacts on Local Peasant Communities in the Province of Niassa, World Rainforest Movement

20 Matavel, N., S. Dolores, et al. (2011). Lords of the Land. Maputo, Justiça Ambiental & UNAC.

21 *Ibid*

22 Seufert, P. (2012). The Human Rights Impacts of Tree Plantations in Niassa Province, Mozambique.

23 *Ibid*

24 Mozambique Political Process Bulletin (2011).

25 Seufert, P. (2012). The Human Rights Impacts of Tree Plantations in Niassa Province, Mozambique.

26 Global Solidarity Forest Fund (2007). Memorandum of investment.

27 GeaSphere. (2011). "Exploitation by Afforestation - The GSFF in Mozambique." from **http://www.youtube.com/watch?v=N5Nvbm8j3jA**.

28 Observed for eucalyptus trees between 5 – 7 years old and dependent upon landscape conditions. See: Overbeek, W., Kröger, M., Gerber J-F (2012). An overview of industrial tree plantation conflicts in the global South. Conflicts, trends, and resistance struggles. EJOLT Report No. 3, June 2012, p. 31. Accessed via: **http://www.ejolt.org/wordpress/wp-content/uploads/2012/06/120607_EJOLT-3-plantations-lower.pdf**

29 See note 27.

30 Seufert, P. (2012). The Human Rights Impacts of Tree Plantations in Niassa Province, Mozambique.

31 Overbeek, W. (2010). "Chikweti plantations in Mozambique: Will the FSC continue certifying the uncertifiable?" WRM Bulletin(161).

32 *Ibid*

33 Global Solidarity Forest Fund (2007). Memorandum of investment

34 Nhantumbo, I. (2011). "REDD+ in Mozambique: new opportunity for land grabbers?". IIED. Accessed from, **http://www.iied.org/redd-mozambique-new-opportunity-for-land-grabbers**.; Seufert, P. (2012). The Human Rights Impacts of Tree Plantations in Niassa Province, Mozambique.

35 ABP. (2011). "ABP neemt aantijgingen Mozambikaanse bosbouw serieus." Retrieved January 10, 2012, from http://www.abp.nl/abp/abp/service/nieuws/bosbouw-mozambique.asp.

36 Witteman, J. (2011, December 3). "Project pensioenfonds ABP in Mozambique mondt uit in landroof." Volkskrant, from http://www.volkskrant.nl/vk/nl/2664/Nieuws/article/detail/3062074/2011/12/03/Project-pensioenfonds-ABP-in-Mozambique-mondt-uit-in-landroof.dhtml.

37 Netherlands Ministry of Foreign Affairs (2012). Answers to questions from the members Omtzigt, Ferrier, Dikkers en Vermeij regarding the fact that ABP is involved in land grabbing in Mozambique. The Hague.

38 Witteman, J. (2011), "Project pensioenfonds ABP in Mozambique mondt uit in landroof."

39 https://www.rabobank.com/en/group/fandab/index.html

40 Rabo Farm (2012). Farmland Principles Report 2012. Amsterdam, Rabo Farm.; Meijerink, G. and B. Kamphuis (2011). Betrokkenheid van Nederlandse bedrijven bij transnationale grondverwerving en pacht. Een eerste verkenning. LEI Nota. Wageningen, Wageningen UR.

41 Borras, S., J. Franco, et al. (2013). Introduction. Land concentration, land grabbing and people's struggles in Europe. J. Franco and S. Borras, ECVC and HOTL.

42 *Ibid*: p.24

43 Personal communication with Olaf Brugman, team leader sustainability polices and reporting at Rabobank, on 11 December 2012

44 Rabo Farm (2012). Farmland Principles Report 2012

45 Marques, F. (2012). The forestry and charcoal sectors and the Plantar Carbon case: potential lessons for REDD+ initiatives. Brasilia, Climate Investment Funds Meeting of the FIP Pilot Countries April 2-4.

46 Rabobank Group (2002). Annual Responsibility and Sustainability Report 2002. Utrecht.

47 Personal communication with Olaf Brugman, team leader sustainability polices and reporting at Rabobank, on 11 December 2012

48 Rabobank Group (2002).

49 De Schutter, O. (2010). "Food Commodities Speculation and Food Price Crises." Briefing Note 02, from http://www.srfood.org/index.php/en/component/content/article/894-food-commodities-speculation-and-food-price-crises.

50 De Schutter, O. (2011). "The Green Rush: The Global Race for Farmland and the Rights of Land Users." Harvard International Law Journal 52(2): 503-559.

51 Dutch Parliament (2011). Voedingsbeleid. Tweede Kamer. 31 532, nr. 68, 17 November.; Van Tilburg, R. (2011). Food Markets in Dutch: Dutch Banks and Pension Funds in Agricultural Derivatives Markets. Amsterdam, SOMO.

52 Friends of the Earth Europe (2012). Farming Money.; Van Tilburg, R. (2011). Food Markets in Dutch.

53 *Ibid*

54 In very general terms, a clearer is an entity that facilitates commodity exchanges in the derivates market by guaranteeing payments. The clearing entity might be a department of the exchange or an external clearing house operated for instance by a large investment bank.

55 See note 52.

56 De Schutter, O. (2010). "Food Commodities Speculation and Food Price Crises."

57 PFZW (2011). Position Paper - Beleggen in Agrarische Grondstoffen. Zeist, PFZW.

58 Onstad, E. (2011). Pension funds mull ethics of commodity investments. Reuters. 22 June.

59 Friends of the Earth Europe (2012). Farming Money.

60 Schutter, O. (2010). "Food Commodities Speculation and Food Price Crises."

61 Dutch Parliament (2011). Kamer Brief. Tweede Kamer. 21 501-32 nr 469, 21 March.

62 Rotteveel, M. (2008). 'Stop voedselspeculatie'. De Pers. 8 May.

63 NIS. (2011). "Dutch Want to Get Rid of EU Import Levies on Palm Oil." Retrieved January 10, 2012, from http://www.nisnews.nl/.

64 Greenpeace The Hidden Carbon Liability of Indonesia Palm Oil.

65 *Ibid*

66 *Ibid*

67 For further information on the involvement of Unilever and the IOI Group in land grabbing in Indonesia see: Milieudefensie & Friends of the Earth Europe (2010). Too Green to be True. Amsterdam & Brussels, Milieu Defensie & Friends of the Earth Europe.

68 www.wilmar-international.com/

69 Van Gelder, J. W. (2007). Buyers and Financiers of the Wilmar Group. A Research Paper Prepared for Milieudefensie (Friends of the Earth Netherlands) by Profundo. Amsterdam, Profundo.; http://www.portofrotterdam.com/en/News/pressreleases-news/Pages/20100608_03.aspx

70 Milieudefensie (2013). Wilmar International: Palm oil giant & 'world's least sustainable company'. Amsterdam, Milieudefensie.

71 http://www.thedailybeast.com/newsweek/2012/10/22/newsweek-green-rankings-2012-global-500-list.html

72 Milieudefensie (Friends of the Earth Netherlands), Lembaga Gemawan, et al. (2007). Policy, Practice, Pride and Prejudice. Review of Legal, Environmental and Social Practices of Oil Palm Plantation Companies of the Wilmar Group in Sambas District, West Kalimantan (Indonesia). Amsterdam, Milieudefensie (Friends of the Earth Netherlands), Lembaga Gemawan and KONTAK Rakyat Borneo.

73 The Jakarta Globe (2011), Sumatra tribe says lands stolen for palm oil. Retrieved 20 March 2012 from http://www.thejakartaglobe.com/archive/sumatran-tribe-say-lands-stolen-for-palm-oil/466412/

74 *Ibid*; Wilmer International Limited (2011). Wilmar Reaffirms Commitment to Respecting Human Rights. Singapore.

75 http://www.rainforest-rescue.org/news/4031/violence-in-indonesia-but-unilever-is-indifferent-to-victims-of-palm-oil-business

76 Milieudefensie. (2013). "Nederlandse investeerders in Wilmar." Retrieved June 15, 2013, from http://www.milieudefensie.nl/biomassa/landroof/nederlandse-investeerders-van-wilmar.

77 Friends of the Earth Europe (2012). Farming Money.

78 NIS. (2011). "Dutch Want to Get Rid of EU Import Levies on Palm Oil." Retrieved January 10, 2012, from http://www.nisnews.nl/.

79 Nederlandse Sojacoalitie (2012). Soja Barometer 2012. Amsterdam, Nederlandse Sojacoalitie.

80 *Ibid*

81 *Ibid*

82 Fritz, T. (2011). Globalising Hunger: Food Security and the EU's Common Agricultural Policy (CAP), TNI, FDCL, Ecologistas en Accion, Vedegylet.

83 Nederlandse Sojacoalitie (2012). Soja Barometer 2012.

84 Fritz, T. (2011). Globalising Hunger

85 Nederlandse Sojacoalitie (2012). Soja Barometer 2012.

86 Fritz, T. (2011). Globalising Hunger

87 GMWatch, Friends of the Earth, et al. (2011). Certified Responsible? Critical Assessment of the Round Table on Responsible Soy, GMWatch, Friends of the Earth & Corporate Europe Observatory.

88 *Ibid*

89 Opposition to Round Table on Responsible Soy. An Open Letter. May 2010. Retrieved March 21, 2012, from http://www.i-sis.org.uk/roundTableOnResponsibleSoy.php.

90 *Ibid*

91 GMWatch, Friends of the Earth, et al. (2011). Certified Responsible?

92 Opposition to Round Table on Responsible Soy. An Open Letter. May 2010.

93 http://www.idhsustainabletrade.com/nederlands

94 Task Force Sustainable Soy. (2011). "Dutch food & feed industry buys 85,000 tons of first responsibly produced soy." Retrieved March 21, 2012, from http://www.taskforcesustainablesoy.org/index.php?option=com_content&task=view&id=74&Itemid=.

95 Gifsoja. (2012). "AHOLD ontvangt 26.000 oproepen tegen foute 'verantwoorde' soja." Retrieved March 21, 2012, from http://www.gifsoja.nl/Gifsoja/nieuws/Artikelen/2012/2/9_AHOLD_ontvangt_26.000_oproepen_tegen_foute_verantwoorde_soja.html.

96 Valentino, S. (2010, September 21). Bioshape trekt spoor van vernieling. NRC Handelsblad.; Valentino, S. (2011). Tanzania Biofuel Project's Barren Promise IPS/Freereporter. Brussels and Dar Es Salaam.

97 *Ibid*

98 *Ibid*

99 *Ibid*

100 *Ibid*

101 Vaes, C. "Letter to all employees and concerned parties regarding the opponents of Bioshape." Retrieved 20 March, 2012, from http://www.bioshape.nl/.; Direction of BioShape Holding BV. (2010). "Reaction to the NRC Handelsblad." Retrieved March 20, 2012, from http://www.bioshape.nl/.

102 http://www.klm.com/csr/en/climate/footprint/biofuels/index.html

103 Friends of the Earth Europe. Flying in the face of the facts. Greenwashing the aviation industry with biofuels. Brussels.

104 *Ibid*

105 *Ibid*

106 http://www.waterlandinternational.com/; Ritsema, G. Biokerosene: Take-off in the wrong direction. Amsterdam and Jakarta, Milieu Defensie & WALHI - Friends of the Earth Indonesia,.

107 Ritsema, G. Biokerosene: Take-off in the wrong direction.

108 http://milieudefensie.nl/english/news/klm-promises-milieudefensie-not-to-do-business-with-waterland-international

109 http://www.klm.com/corporate/en/newsroom/press-releases/archive-2011/KLM_launches_commercial_flights_Amsterdam.html

110 Ritsema, G. Biokerosene: Take-off in the wrong direction.

111 *Ibid*

112 Friends of the Earth Europe. Flying in the face of the facts.; Ritsema, G. Biokerosene: Take-off in the wrong direction.

113 Ritsema, G. Biokerosene: Take-off in the wrong direction.

114 http://www.nabc.nl/AboutNABC/NABC.aspx

115 Van Kemenade, L. (2011-2012). Dutch private sector enters meat and poultry sector Ethiopia. NABC Magazine.

116 *Ibid*

117 Cascao, A. E. (2011). Land 'Grabbing' in the Nile Basin and Implications for the Regional Water Security. Presentation delivered at the UEA Water Security and ICID seminar London.

118 Bues, A. (2011). Agricultural Foreign Direct Investment and Water Rights: An Institutional Analysis from Ethiopia. International Conference on Global Land Grabbing. University of Sussex, Brighton, LDPI.

119 Yebandamerze. (2012). "Ethiopia Suspends Providing Land for Investment " Retrieved March 21, 2012, from http://www.ethiopianreview.com/forum/viewtopic.php?f=2&t=36734.

120 NABC (2010). Position Paper NABC - Afrika: Van Zorgkindje naar Opkomende Markt. The Hague, NABC.

121 Ardenti, Y. M. (2011). Land Grabbing: The Dark Side of 'Sustainable' Investments. Concerns o*f Bread For A*ll on the Addax Bioenergy Project in Sierra Leone, Bread For All.

122 Aubry, S. (2011). (Bio)Fueling Injustice? Rome, EuropAfrica.

123 Baxter, J. (2011). Understanding Land Investment Deals in Africa. Country Report: Sierra Leone F. Mousseau and G. Sosnoff. Oakland, Oakland Institute.

124 *Ibid*

125 *Ibid*

126 Ardenti, Y. M. (2011). Land Grabbing: The Dark Side of 'Sustainable' Investments. Concerns o*f Bread For A*ll on the Addax Bioenergy Project in Sierra Leone, Bread For All.

127 *Ibid*

128 *Ibid*

129 *Ibid*

130 Knapen, B. (2011). Schriftelijke antwoorden van Ben Knapen, Staatssecretaris van Buitenlandse Zaken, op mondelinge vragen van de vaste Kamercommissie voor Buitenlandse Zaken tijdens het AO op 17 november 2011 over landbouw in ontwikkelingslanden. The Hague, Netherlands Ministry of Foreign Affairs.

131 Ploumen, L. (2013). Nederlandse inzet bij tegengaan landroof. DDE-263/2013. Den Haag, Ministerie van Buitenlandse Zaken.

132 Bergeret, P. (2008). EU Land Policy and the Right to Food. Land Policy Series. Amsterdam and Brussels, Transnational Institute, 11.11.11.

133 Netherlands Ministry of Foreign Affairs (2011). Strengthening land governance for poverty reduction, sustainable growth and food security. Inventory and analysis of programs supported by the Netherlands Ministry of Foreign Affairs between 2007 and 2010. . The Hague, Netherlands Ministry of Foreign Affairs.

134 Bleker, H. (2012). Rapport "Betrokkenheid van Nederlandse bedrijven bij transnationale grondverwerving". The Hague, Ministry of Economic Affairs, Agriculture and Innovation.

135 Netherlands Ministry of Foreign Affairs (2011). Strengthening land governance for poverty reduction, sustainable growth and food security.

136 Steffen, S. (2012). "UN approves guidelines against land grabbing." Deutsche Welle. Accessed from: http://www.dw.de/dw/article/0,,15945601,00.html?maca=en-rss-en-all-1573-rdf.

137 Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights, from: http://www.icj.org/dwn/database/Maastricht%20ETO%20Principles%20-%20FINAL.pdf

138 Committee on World Food Security (CFS) (2012). Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security Rome, FAO.

HANDS OFF THE LAND

TAKE ACTION AGAINST LAND GRABBING

The Hands off the Land project aims to raise awareness about land grabbing amongst the European public, politicians, policy makers, students and professionals. The project presents case documentation, fact sheets and thematic studies of transnational land grabs in Mali, Mozambique, Zambia, Colombia and Cambodia.

for more information contact:

tni@tni.org
office@fian.at
fian@fian-nederland.nl
fian@fian.de
info@fdcl-berlin.de
igo@igo.org.pl

Produced with financial support from the European Commission.
The views expressed herein are those of TNI/FIAN/IGO/FDCL and not of the EC.