



Chair's summary

rai OEWG meeting

23-24 September 2013

The objective of the meeting was to exchange feedback on the rai Zero Draft. This Chair's Summary is intended as an outcome document of the OEWG meeting feeding into the regional consultations and subsequent preparation of the first draft of the principles.

The Chair's Summary does not represent an exhaustive list of all the comments made during the plenary discussion, but rather a compilation of the main issues identified by members and participants. It was noted that some members were only able to provide preliminary and first informal comments due to the language versions only being available three weeks ahead of this meeting.

Informal break-out groups were formed to discuss each principle in greater detail. The break-out groups did not try to reach consensus or negotiate points raised. Some members did not express their position in the break-out groups since the document is still under discussion in capitals. Their positions will feed into the upcoming consultations. The outcome of each break-out group discussion is attached to this summary in its original language.

General comments

Members and participants welcomed the inclusive process leading to the current version of the Zero Draft and the efforts made to align the different expectations of a broad range of stakeholders.

The Zero Draft was generally perceived as a sound basis for the upcoming consultations.

Some language issues were flagged with regards to the quality of the translation into Arabic and Spanish.

QUESTION 1: Is the Zero Draft considered an accessible document in terms of structure and language?

Structure

Some members and participants described the current overall structure (3 parts, 8 principles and roles and responsibilities) as clear; others perceived the structure as unclear.

The following suggestions, expressing diverging views, included:

- Grouping together "roles and responsibilities" into one section at the end or separate principle by principle;
- Grouping together "rationale" into one section or keep principle by principle;
- Grouping together the different "objectives" into one section and reduce their number or keep current setting.

Some members and participants described the current structure of each principle (principle, rationale, objectives, application) as comprehensive, others perceived it as confusing. Simplification and shortening was also encouraged.

Some members and participants suggested combining “roles and responsibilities” and “application” into one section as there is some overlaps; others prefer keeping the current setting.

Language

The need to bear in mind the voluntary and non-binding nature of the principles was emphasized.

Language was perceived by some members and participants as being too prescriptive given the voluntary and non-binding nature of the document; others did not perceive the Zero Draft as a normative enough tool.

Style was perceived by some members and participants as being too minimalistic; others welcomed the conciseness of the document.

It was suggested to address small, medium and large scale investors more clearly.

Some members and participants flagged inconsistencies between prescriptive and descriptive language and the use of terminology which should be addressed. The need to refer to internationally agreed language was also largely emphasized and so was compliance with relevant international obligations of state and non-state actors. *To this end, a proposal to form a language harmonization group was made.*

Some members and participants suggested including language to describe the impact of irresponsible investments (addressing both the do’s and don’ts); others supported the current positive formulation.

Some members and participants highlighted the importance of keeping the rai principles user-friendly.

QUESTION 2: Is the purpose of the principles to promote investments in agriculture that contribute to food security and nutrition and to support the progressive realization of the right to adequate food in the context of national food security adequately reflected?

Some members and participants consider that the purpose is adequately reflected; while others made suggestions that include:

- More emphasis on the overall objective of promoting as opposed to discouraging investments;
- More focus on food security and nutrition;
- More recognition of investments in agriculture being only one of the many factors contributing to enhanced food security and nutrition;
- More recognition of investments by and for small-scale producers in supporting the progressive realization of the right to adequate food in the context of national food security.

QUESTION 3: Does the Zero Draft adequately reflect the nature of the principles as highlighted in the TORs?

Some members and participants consider that the Zero Draft adequately reflects the TORs; while others highlighted issues requiring more attention which include:

- More focus on small-scale producers’ perspectives;
- More focus on women’s perspectives;
- More focus on vulnerable group’s perspectives;
- More focus on the whole value chain including fisheries and forestry and non-food agricultural production;

- Considering the rights based approach as a tool rather than an obstacle to responsible agricultural investments;
- More use of terminology and agreed language in the VGGTs.

Other points raised are: youth, capacity development, science and technology transfer, public sector investments, household food security, review mechanisms and accountability, re-orientation of ongoing investments, strengthening farmers organizations, indigenous peoples knowledge, large-scale transfer of tenure rights and investment models; importance of policy consistency; financial risks for smallholders.

QUESTION 4: Does the Zero Draft adequately reflect the roles and responsibilities of the stakeholders highlighted in the TORs?

Some members and participants consider that the Zero Draft adequately reflects the TORs; while others made suggestions that include:

- Shortening the text (see question 1);
- Spelling out more clearly the role of states in enabling public policy, public investments, public goods and services and regulatory regimes;
- Allocating roles and responsibilities for international and regional organizations, bilateral donors and foundations since they are listed in other parts of the document;
- Not making reference to bilateral treaties;
- More focus on addressing responsibilities to ensure legal accountability, renegotiation investment contracts that have negative impacts, justice and legal remedies and measures for reparations and compensation.

Annex I: Outcome of break-out groups

Annex II: List of participants (OEWG Meeting and break-out groups)