South Asia Regional Conference on
Extraterritorial State Obligations and Access to
Natural Resources

16-19 April 2013
Kathmandu, Nepal
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South Asia is one of the most populous and culturally diverse regions of the world where the realization of human rights, social justice and equality are yet to happen. Even though rich in natural resources endowments, the region is characterised by the presence of high levels of structural poverty, hunger, malnutrition, injustice, inequality, discrimination and violation of human rights in almost all spheres of lives. The national governments of the region univocally claim time and again that they are committed for democracy, human rights, rule of law and regional cooperation so as to promote peace and harmony. However, most of their acts are found in other directions.

They are sympathetic and protective to those corporations who rob ordinary people for profits. The wellbeing of the poor and marginalised people across the region is always at stake. There is always hegemony of powerful over powerless—whether be it at state, society or individual levels. In most cases, state governments are confined within the state territory ignoring their equally important responsibility beyond the state boundaries. It is in this context that the Extraterritorial State Obligations are to highlight.

Considering the tremendous importance of human rights vis-a-vis the Extraterritorial State Obligations in South Asian context, FIAN International, FIAN Nepal and ETO Consortium jointly organized four day-long South Asia Regional Workshop on “Extraterritorial State Obligations and Access to Natural Resources” from 16th-19th April 2013 in Kathmandu, Nepal. The workshop has been successful to discuss and analyse the pertinent human rights issues in different South Asian countries and the need of greater cooperation among the civil society groups in the region to coordinate and collaborate. I believe, the workshop has been successful to inculcate a sense of the importance of ETOs and enhancing access to natural resources. This workshop proceeding would prove to give a sense of its success, I think. In this respect, I would like to appreciate the organizing team and the resource persons. In the same way, I would like to thank all participants from Nepal, India, Pakistan, Bangladesh, Sri Lanka and Philippines representing civil society organization (CSOs), Human Right Activists, and Academia for their valuable presentations and active participation in the program. Issues which have been raised and highlighted in the program were of huge importance hence need to be considered by states of the region for protection of people’s fundamental right.

Finally, I would like to acknowledge everyone who directly and indirectly helped for successful accomplishment of the program.

Dr. Sarba Raj Khadka
Chairperson
FIAN Nepal
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Introduction

FIAN International, FIAN Nepal and ETO Consortium jointly organized four days South Asia Regional Workshop on “Extraterritorial State Obligations and Access to Natural Resources” from 16th-19th April 2013 (two days for each topic) in Kathmandu, Nepal (outline of workshop in attached is Annex 1). Participants were from Nepal, India, Pakistan, Bangladesh, Sri Lanka and Philippines representing civil society organizations (CSOs), Human Right Activists, and Academia.

This report is divided into two parts viz: ETO and Access to Natural Resources. The report basically covers extracts of cases presented; discussions held and commonly agreed conclusions made on the program.
PART – ONE: Extraterritorial State Obligations

Welcome Remarks
Mr. Gauri Pradhan, member and spokesperson of National Human Rights Commission (NHRC) inaugurated the program amidst a gathering of activists from different countries. Mr. Pradhan emphasized that in spite of UN laws including Economic, Social and Cultural Rights (ESCR) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), millions of people are still deprived of their social and economic rights. Discrimination against women and lack of productive assets has emerged as main causes of poverty. Mr. Prem Dangal, Vice President of FIAN International, advocated that without ESC rights, civil and political Rights cannot be realized in their true sense. Ms. Ana Maria Suarez Franco, FIAN International Permanent Representative in Geneva, highlighted the importance of the workshop and Dr. Sarba Raj Khadka, Chairperson of FIAN Nepal welcomed all the participants and wished for success of the workshop.

Case Presentation 1: "Development: Threat to Environment, Agricultural Land and People: An Overview of Bangladesh Experiences
- Prof. Anu Muhamad (Mr.), Johangirnagor University, Bangladesh

Prof. Anu Muhamad shared the situation of Bangladesh with regard to land grabbing practices in the name of development projects by the multinational companies, World Bank (WB) and Asian Development Bank (ADB). He stated that Foreign Direct Investment (FDI) is the cause of land and other natural resources grabbing in Bangladesh. His major concern was related to energy development and infrastructure projects. Agricultural lands are decreasing because of real states business. Militarization and privatization is high in the country especially in the areas of indigenous nationalities and minorities. Land grabbing is rampant but there is no accountability of development agencies and local consultants.
Bangladesh has a policy of being free from natural hazards. But in reality, the impacts are going in opposite direction. WB and ADB known as major development actors have 74 per cent of share in irrigation projects. They heavily influence development projects.

He gave the example of Padma and Jamuna River in Northern Bangladesh which is drying up. Huge chunk of agricultural land is lost. Abandonment of resource has become a problem for peopleEvery year Bangladesh subsidizes 25 billion to multinational companies (MNC). MNCs enter in developing countries in the name of efficiency and technology development. Increases of price of electricity, gas and affects the real consumer of those facilities

Case Presentation 2: Effect of Lakshmanpur Dam and Kalkalwa Afflux Constructed by India

- Mr. Buddhi Chaudhary, Programme Coordinator, FIAN Nepal

Mr. Buddhi Chaudhary presented a case with regard to an irrigation project constructed and initiated by India in the nearby border of Nepal. The Laxmanpur barrage was constructed in 1985 and the afflux in 2000. The barrage is constructed at a distance of only 500-meters from no man’s land. The afflux and dam is 22.5 kilo meter long. Buddhi further revealed that both the barrage and the afflux obstruct the natural flow of Rapti River.

He explained that due to this project, six VDCs of Banke district of Nepal are directly adversely affected. Altogether, more than 4,000 households (consisting of about 22,000 individuals) of are affected. About 2000 ha cultivated land is affected and flood, inundation and land erosion have rendered many people displaced.

FIAN-Nepal has been closely observing this issue and has taken up it up from an extraterritorial obligations perspective since 2009. This case has been submitted to the NHRC and the Office of the Prime Minister. In the same way lobby work has been taken forward with the locals authorities.

Much discussion was held among the participants regarding ETO issues related to rivers and dams. Finally all participants agreed that such structure affecting people on both sides are. Hence, it needs diplomatic dealing between both countries whereas CSOs can pressurize to their respective governments to oblige the international laws and standards.
Case Presentation 3: From Colonial to Corporate Land Grabbing- The Case of Pakistan

Ms. Najma Sadek, Director, The Green Economics Initiatives

The experience of Pakistan is not different from other countries. Land grabbing is not new in Pakistan. The urban areas look like developed country with industrialization and modern facilities. But it's different in rural areas. Government is marked by patronage. The masses especially peasants remained disfranchised in the country.

Big landlords always existed but their powers were strengthened under colonialism. They were gifted a vast amount of land in exchange for collecting revenue and keeping the people under the control on behalf of the British practices of gifting the land to retiring military officers.

Oppression, inequity, cruelty and deprivation have prevailed throughout Pakistan’s 65-year history. The legal system in Pakistan is biased against peasants and the poor. Not surprisingly, violent peasant movements as well as separatist movements have arisen. For the past two years, foreign investors have been discouraged from carrying out their plans. The Board of Investment will charge only $5 per acre in the first 4 years. Investors are not compelled to hire locally. No restrictions are placed on water usage. Pakistan already suffers from water scarcity. This will deprive the locals further.

UAE, which imports 85% of its food, has reportedly purchased over 2 million acres of farmland in three provinces of the country in June 2008 through private companies.

A Pakistani official anonymously stated that, to pacify local unrest, the deal included free local hospitals and schools, and a joint million Abraaj–state irrigation scheme worth $20 million.

But irrigation provides only short-term solutions and long-term damage, as inadequate drainage or canal lining leads to saline and infertile soils.

Qatar Livestock has reportedly invested $1 billion and is negotiating for more lands. Qatar is about to outsource its rice production to the Punjab. Similar deals have reportedly been made to produce rice for Bahrain and Qatar. This will lead to the displacement of 25,000 villages.

When the planned foreign investors come, tens of millions of poor locals will be displaced in at least three provinces of Pakistan, and worsen famine that already exists.

In January 2013, months before the government came to the end of its 5-year term; Pakistan invited Germany to take advantage of the Bilateral Investment Treaty to invest in corporate agriculture.

Georg Bergstrom, author of The Hungry Planet, states that Pakistan was losing a hectare (2-1/2 acres) of good agricultural land every 20 minutes. Some 5 million acres, or one-fifth of the cultivated area, have already been badly affected.
A total of 250,000 additional hectares each year are falling victim to water logging and/or salinity, or have ceased to be productive altogether.

Various other studies suggest that at least half the water used in agriculture is lost in transit. The hardiest wild species evolve in water-scarce and sparsely-populated areas. So there is a danger of corporate gene-hunters stealing and patenting them under cover of corporate farming.

The government keeps claiming as it is offering only marginal or unused land. But these are “commons” or community lands used by settled villagers, herders and gypsies. Their loss will cause even more hunger and unemployment.

Land reform and redistribution instead of land–grabbing and corporate farming could have benefited millions of Pakistani poor and landless in becoming self-reliant without even taking away land from the feudal. Ms. Sadeque clarified that both public and private land are grabbed in Pakistan by the military.

Small peasants are denied from credits and fundamental rights. The number of landless people is increasing day by day. Land Acquisition Act 1904 enables the state for acquisition private land. So called land reform policies invariably ended up benefiting big landlords in the past. All land revenue records are kept secret. You cannot even conduct research on land. Right to Information has not been implemented.

In 1996, the Benazir Bhutto government declared corporate farming as an industry. A total of 19 multinational companies were approved. But they are yet to be identified. Pakistan’s military is also a major corporate land owner.

Many tribal chiefs and Sindhi feudal landlord became provincial ministers. They know better on how to keep their people helpless through brutality. The poor peasants are allowed to live on the feudal or tribal lords’ land in exchange cheap labor or loyalty. Such trend keeps them in permanent debt.

She mentioned that the legal system of Pakistan is outdated, and believes that sooner or later there will be revolt in the country.

In 2009, Candida Bio-fuel Company signed Memorandum of Understanding (MoU), which was never made public. Similarly, a middle east-based newspaper reported that Baluchistan had signed a MoU with Abraaj in 2009.

Qatar and Germany are offering investment. Corporate people like Monsanto are still stealing the genes of Pakistan and patenting it. It seems that the violence and turmoil in the country is the only thing that can stop the investors from forceful land grab. Last year, the violence remained high in the country and investors are not coming to Pakistan.
Presentation on "The Maastricht Principle on ETOs"
- Dr. Ana Maria Suarez Franco, FIAN International

Dr. Maria mentioned that there are two principles of the Extra Territorial Obligations. The first is the codification and progressive development which looks after the treaties, customary law, jurisprudence, general comments and concluding observation of human rights treaty bodies. State’s acts or omissions within and beyond its territory, have effect on the enjoyment of Human Rights outside the state’s territory. The second is the cooperation obligation which has more global involvement. She added that the structure of ETOs includes a preamble, the general principles and its scope.

She also stated that it might be easy to talk about protecting the rights of people. But it is really hard to fulfil the obligations in practice. She added that we therefore should timely elaborate, interpret the regularly review the agreement.

Several participants raised issue about how to make multilateral institutions like WB, ADB and IMF and multinational companies accountable under ETO. She clarified that continuous coordination and effort through different mechanisms including UN and international court can be used for this.

DAY 2 - 17 April 2013

Presentation on "An Overview about the ETO consortium"
- Ms. Sabine Pabst, FIAN International, Germany

Day II’s session was started by Sabine Pabst, from FIAN International, where she provided an overview of the ETO consortium. She mentioned that the consortium incorporates members, mainly the representatives from Civil Society Organizations (CSOs), academic and corresponding experts. The main role of the ETO Consortium is to provide assistance to those groups committed in helping the people in realizing their right to food and natural resources.

In the consortium there is a 15-member secretariat. The ETO consortium focal groups deal with issues such as the financial regulation, corruption, trade, international investments, land grabbing, climate change, IFIs, development cooperation, right to food and conflicts. She revealed that this workshop would also work as a platform towards inviting additional members from South Asia into the ETO consortium.
Strategy for South Asia Focal Group on ETOs:
Anna Maria briefed on how to formulate ETO strategy for the South Asian Focal Group. She highlighted its objectives, activities, challenges and opportunities.

The participants were then divided into four groups. Each group discussed on the challenges, activities and opportunities of financial regulation, development cooperation, land grabbing, eco distribution, climate change and right to food and presented their discussion outcomes. These are as follows:

Opportunities/Challenges
The groups identified many opportunities to supplement the ETO consortium. Platforms/network such as the SAARC and the presence of media were highlighted. The common history and understanding of the dynamics of development with a strong history of social movements was looked upon as yet another opportunity by the groups and dynamics of development. Obligations deriving from the fact that the sovereign states have ratified international treaties which might act as another opportunity.

In terms of challenges, groups mentioned that it is important to realize the existing notions of jurisdictional and national sovereignty of the country. They also highlighted the political instability of most South Asian states as a major challenge. The gap in the understanding of the policies regarding aid and dependency policy could also be seen as another problem. The problems of the marginalized population were also considered as an important issue to be incorporated, which otherwise was believed by the groups to act as major challenges. They also mentioned that although most international treaties have been ratified, the challenge is still prevalent in terms of internalizing them in domestic laws.

Possible dimension/activities for cooperation
Regarding possible activities for cooperation, it was realized by the groups that identification, documentation, publication and sharing of cases among related stakeholders is very important. Establishment of regional mechanisms, translating ETO related information in local languages and national level consultations, strategies and plan of action can be undertaken in the days to come for the enforcement of the ETOs.
Group work on Strategy for South Asia Focal Group on ETOs (some photographs)
Case Presentation 1: An Overview about Land and Resource Grabbing in South Asia
- Prof. Sapan Adnan, Bangladesh

The presentation was focused on the situation of land grabbing in Bangladesh and India. Prof. Adnan highlighted that the construction of housing and special economic zones by national/multi-national companies are major reasons behind land and resource grabbing. Multinational companies are using the state as an agent for land grabbing hence, even though the obligation to protect land from such grabbing is of the state. This situation has resulted in adverse impacts to the livelihood of thousands of farmers and farming communities. Mr. Adnan related to human right violation cases from India and Bangladesh where peasants were displaced from their own land in the name of army development projects and profit making businesses of national/multinational companies. He highlighted the need of empowering CSOs to make government accountable and responsible. He also suggested that the state’s assumption of the private land as its own and the land entitlement to the multi-national companies with the objective of profit making should be invalidated. He also mentioned that research and policy analysis are important tools in reducing the land grabbing.

Case Presentation 2: New Surge of Land Grabbing Violates Human Rights of Small Holders
- Ms. Ujjaini Halim, WFF-Asia from India

Rural farming communities all over the world are poor and food insecure. One of the main reasons is increasing land grabbing more concentrated in Africa and South Asia. The root cause of land disparities and land grabbing is feudal & colonial structure, neoliberal policies and exclusion of farmers/pastoralists and fisher communities from decision making processes. Big or small companies from the country or outside grab local land. Sometimes the government grabs the land in the name of public purpose but later hands over to multi-national companies, e.g in the singhur case of West Bengal. 50% land is currently taking place in Africa.
The involvement of power stokers is very important in the context of land grabbing. Land grabbing is "legal" in many countries. So the people are deprived from rights as the court goes only through the Act/legal provisions. The drivers of large scale of land grabbing are population and economic growth. The majority of land grabbers are from oil rich countries, capital rich Asian Countries (China, India) and traditional western food producing and processing companies, e.g. Gulf countries, China and India are grabbing land in Asia, Africa and South America.

Land is also being grabbed through Public Private Partnership schemes. For example, in India, huge area of land was allocated for the railway company in the name of Public Private Partnership. One has to be very careful with regard to free fair trade and investment. Multinational and translational companies play key roles to grab land. The increased trend of land grabbing has violated indigenous people’s right to land and human rights. Land grabbing violates all kinds of international laws.

Case Presentation 3: Land Grabbing in Nepal: Some Cases
- Mr. Jagat Basnet, Community Self-Reliance Centre (CSRC), Nepal

Before 1950, the Ranas used to distribute land to their supporters and Hindu priests. Before 1973, around 46 percent of land was controlled by the feudalist. Only Raikar land was under the control of people.

The ‘Bardiya Land commission’ reported that the large-scale landlords owned 24,000 Bighas (16,000 ha) and small sized owners held 56,000 Bighas (37,333 ha) in 1910 in Bardiya district. This situation had been reversed by 42 years, later in 1952 Jimidars (landlords) controlled 56,000 Bighas (37,333 ha) while the farmers only 24,000 bighas (16,000 ha). Similarly, the land occupied by the peasants decreased from 80% to 25% within period of 15 years (1893 to 1908) in the western Tarai.

Recently, large amounts of the state budget have been invested for land. A total of Rs 10.14 billion was invested in land plotting in 2009.

According to media reports 1,000 ha of land was grabbed in Nepal within the last two years. Plotting has become business even in river embankments. Even the former rebel Maoist party is re-selling the land which they had captured during the insurgency.

In one case from Bara district, Jagadamba industry evicted the locals by mobilizing local gundas. The company also grabbed the river embankment.

Kali Gandaki ‘A’ Hydropower project, acquired about 148.62 ha of land and assets from 8 VDCs of Syangja, Gulmi, Palpa, and Parbat districts. Likewise, 53.61 ha of land for the access road, approximately 1.96 ha of land for transmission line towers was acquired and 162 ha of land (56 ha Government land and 105 ha of private land) was required from three districts namely Palpa,
Syangja and Kaski for 9x9m RoW of transmission line alignment. In the same way about 4.62 ha land was also acquired for the construction of substation at Lekhnath Municipality near Pokhara.

Even Ramdev Baba grabbed the land in Nepal in the name of Patanjali Yoga. The land was purchased and later was sold after getting three times profit of the purchase cost. Even the Maoist had evicted the peasants after getting commission from contractors.

In Sonapur VDC-5 of Dang, plot no 283 which is registered under the ownership of Mahendra Multiple Campus was public land in past, accessible to all the villagers mainly used as grazing fields. The land was registered in the name of ‘welfare fund for poor’ with a decision of the cabinet of 2035.1.5 BS. Hence, 35 Bighas 11 Katha 17 Dhur(23.73 ha) land was acquisitioned by an educational institution. The local people had resisted against the restriction on the customary use of land, but, they were largely Tharus, and their voice was not heard.

Locals including the school, campus and memorial trust are grabbing the land institutionally. Similarly, the land is being grabbed for large scale commercial farming, industries, land plotting, uncontrolled urbanization. The weak state mechanism, corruption and development projects have also caused rapid land grab in the country.

The rapid land grabbing has caused environment degradation, denial of women rights to resources and traditional habitats are threatened. It has promoted corruption in the country.

**Case Presentation 4: How Land Grabbing happens in Sri Lanka**

- Thilak Kariyawasam, Sri Lanka Nature Group, Sri Lanka

According to the Sri Lankan government, Sri Lanka is the emerging 'wonder of Asia'. It has. There are plans to construct so-called metro-regions, airports and highways. Altogether, a total of 27,000 people were evicted after the construction of highways. ADB, World Bank, China, JICA are funding the construction of highways.

IN one case people were on the verge of displacement after the government gave their land to TATA Company. They the people protested and moved to the court. But the court said the development should not be obstructed.

Tea land has also been grabbed in Sri Lanka. A total of 37 Chinese companies were allowed for fisheries. Somawathiya National Park was also given to a private company for Banana cultivation. Some of the heritage sites have also been sold.

Sampurpower plant project was given to India after it complained that why you only provided land to China. People have always been protesting. Matthal village in president’s home village was
constructed. Iran is going to built dam which was refused by WB and ADB. This is river diversion project, which will create a total

According to the analysis of his group there are 25 cases of development projects which grabbed 36,371 ha of land.

Indian travellers come all over the northern seas of Sri Lanka for grabbing the fish resources. Southern fishermen are forced to shift to the North.

**Case Presentation 5: Indigenous People’s Access to Semutang Gas Field, CHT, Bangladesh’**

- **Mr. Pragati Chakma, Bangladesh**

Chittagong was a free palace before 1980s. Indigenous people (IP) used to enjoy the special treatment of British government. However, IPs lost this special right when the constitution of Pakistan was formulated. In 1963, Kaptai Dam was commissioned and Semutang gas field was discovered. The indigenous Chakma community of Bangladesh has been deprived of their human rights from times immemorial. The Bangladeshi government has not been able to address their concern related to displacement

Even though the constitution was amended for 15th times for Bengalis, but people Indigenous people are not recognized. This is the worst thing in Bangladesh. We have no freedom to conduct impartial research on natural resources. We are always constraint by the rule of army.

His presentation was mainly focused on deprivation of IPs from the natural resources like Gas. The Semutang gas field was identified in 1963. The commercial extraction was started form 2009 but it is directly joining in the national grid line without giving any benefit to local Chakma people who are suffering from environmental problem caused by the gas company.

**Presentation on "FAO Voluntary Guideline on Land Tenure, Fishery and Forest"**

- **Ms. Sabine Pabst, FIAN International**

Ms. Sabine Pabst highlighted the strengths and weaknesses of the VGGT adopted by the CFS/FAO in 2012. It is the first international instrument on the governance of natural resources, which applies an approach based on economic, social and cultural rights. She shared that it has both strong and weak points:
Limitations of the guidelines—

- Water is excluded
- Focused on tenure of resources, not on use and management
- No restriction on land grabbing
- No further consolidation of provisions contained in UNDRIP

Strengths

- Guidelines are anchored in the existing obligations under international human rights law, explicitly mentioning the UDHR (1.1)
- Principles of implementation: human dignity, non-discrimination, gender equality, holistic approach
- Call states to provide legal recognition for legitimate tenure rights, particularly customary and informal tenure rights which are not currently protected by law
- Provisions seeking to protect local communities, indigenous peoples and vulnerable groups from land speculation and land concentration
- Include a number of safeguards to protect local people from the risks of land acquisition
- Underline the responsibility of non-state actors, including business enterprises, to respect human and tenure rights
- ( Implicitly) recognize states’ extraterritorial obligations (paragraphs 3.2 and 12.15).

For the next step, she suggested to use the land tenure guideline for movement facilitation, casework and monitoring government agencies and international organizations. So, first step is awareness raising and dissemination of information.

Lalji Desai, India, shared the lobby/ advocacy in to adopt the guideline by CFS/FAO.

It took almost three years to complete this guideline. He shared, when process was started very interesting things happened; CSOs were treated as like observers. The CSO representatives have number of negotiations on why civil society participation was needed in negotiation. US want to take up the issue in UN headquarter but CSO did not believe on it since in UN there is a different working style.

WFP, FAO and UN were providing opportunities for us. It starts with voluntary, its' not binding guidelines. So, there is only use of may be, not should be, would be, must be. About 60 percent of discussion was taken by the US and Canada but Asia remained silent on this process.
Group work: Potential of the Guidelines for the struggle for land and natural resources? How to link local, national and regional strategies?

After having discussion participants were divided into four groups to come up with concrete solutions/suggestions related to the implementation of VGGT and Action Plan for ETO implementation in their respective countries. The summary of 3 groups’ presentations about VGGT is summarized below and the action plan of ETO is in annex 2.

Group-A: How to use guidelines in local context?

The 15-point of VGGT talks about equity. This could be used for guidelines. Majority of South Asian countries have customary laws. The VGGT could be useful to strengthen the legal system. CSOs of Sri Lanka strongly raised the issue of fisheries industries but it could not be incorporated it in the guidelines. Land right is the key for all. It should be highlighted. There are several processes to ensure right to land in sub-regional level. We have also realized to influence the decision making process because changes are possible only through higher authority. Before that, we should identify such decision making mechanisms. Peoples’ SAARC is already there we can also use it although it is empowered by political cloud.

We think multiple dialogues can influence the process. Then we can form civil society to monitor on how government is applying VGGT in national level. Similarly, we must distribute the materials/VGGT among the people by translating them into local languages.

Group B: Government; INGOs have their own understanding on VGGT so there is the need of changing the mind-set of concerned policy makers and politicians to amend law. These guidelines, though only voluntary, can be used as reference for many.

The guideline seems useful even at national level to amend the law in favour of the people. For example Sri Lanka is going to amend the Forest Act. Participants from Sri Lanka have vowed to raise this issue in their own country. Nepal is also going to formulate land reform policy so it can be used in the Nepalese context as well.

Participation of the private sector is also equally important in this forum. But we cannot bring in them in the beginning as they always see for the profit.

In regional level SAARC and SAPEE are already there. Although SAARC seems less influential these days we can use it.
Group C:

Now, we have the guidelines, but how to use it? Nobody has accurate answer. We have already voluntary guidelines on right to food. So, we should take that as lesson learnt. The voluntary guideline was formulated in 2004, but it is still to be implemented in national level.

It is voluntary not legally binding. It will not solve this within over night. It is a negotiated text. Investment section of this guideline is weak. If you read the part four of voluntary guidelines, you will feel. I cannot imagine forcing the government to implement the voluntary guidelines. So, we should build power through collaboration. That is why we are here to form South Asian collaboration. Secondly, we have to raise awareness. Similarly, use Voluntary Guidelines to articulate forgotten or current issues. We will go beyond VG in terms of demand. It is also equally important to monitor implementation and come up with shadow report for CFS meetings under FAO.

Pilot testing is important for us. We have to choose one area one theme, document current situation for baseline data raise awareness and consolidate communities on common position, identification of part of Voluntary Guidelines, media campaign actives and come up with implementation report.

Some of the governments have prioritized VG while others have not. That’s big challenges for us. Similarly, we have not local FAO, investment is double edged sword. We have no resources. Then, how can we conduct pilot testing?

Follow up

Dr. Ana Maria

After the group presentation, Dr. Ana Maria made a follow up remarks. She shared something more from UN level that has happened in the field of land rights, right to food.

Two years back, Human Rights Council was told to prepare peasants strategy. It was completed one year ago. But some of the member of the Council said this has not been internalized. Most of the Southern members, EU, USA, Canada stood against it. Now, we have working group. The group is scheduled to meet in July to discuss over whether the government following/ practicing it or not? Some judges have been very active on peasants’ right to land. Normally, in Geneva, civil society is very limited. But this will not happen so this time. We will try to protect peasants’ rights. Then the declaration will be declared. EU and Germany will carry out another study.

In this process Prof. Anu Muhammad showed interest to know the new things in upcoming CEDAW report. To respond this Dr. Ana said CEDAW has not mentioned largely on food security. Except an article on pregnant women and nutrition nothing is progressed. I visited community in Paraguay. It’s same in Mexico, Nepal and other countries. After all these consultations, we are providing general suggestions to CEDAW. FIAN is taking lead on how to ensure right to land and right to food in CEDAW.

In the same process Mr. Nirmal Uprety from INSEC informed his organization is developing ESCR report on CEDAW and how FIAN can support in this process. Dr. Ana said sometime FIAN have one report on many rights issues and sometimes different report on different issues. She suggested to co-ordinate with FIAN Nepal on content. FIAN International can coordinate and support in general.
Case Presentation 6: Identity & Current Status of Nomadic/Sedentary Pastoral Tribes
- Mr. Lalji Desai, MARAG & WAMIP, India

He presented the situation and momentum of movement of tribal herder people in India. These people are still in nomadic condition and seasonally migrate from one state to another within India for grazing the herds and for their own livelihood. Indian government has not considered pastoralist land rights. The migratory routes are encroached, forests enclosure, expansion of irrigated agriculture, green revolution and breakdown of self governance. He expressed though India has the largest number of livestock in world but there are no specific policies and program to protect and promote their rights. Hence, the pastoralists are facing several problems like education, access to land, government services etc. that is making their lives difficult.

Pastoralist network is formed in India under this pastoral parliament takes place every year for 2 days. The network joined hands with other marginalized peoples and strengthening and reforming customary institutions.

Case Presentation 8: International Guidelines for Small-scale fisheries
- Ms. Ujaini Halim, India

COFI (Committee on Fisheries), a subordinate body of the FAO council, was established in 1965. This guideline is very interesting mainly for those involved in fisheries.

FAO members are the member of COFI. Unlike representation of CSO in other organizations, the participation of CSOs in CoFI is very limited. The chair can decide how many members can take place. Major focus is to lobby during official negotiation and unofficial session.

In 2009, the members of FAO expressed the need for an international instrument on small-scale fisheries. Of late, three regional workshops are to give fine tune to the GSSF. There is another question why VG SSF is needed when SSF is already there. But SSF was formulated closely with the UN FAO.

The guideline was formulated from 2011 to 12. Its purpose is to support national, regional and international initiatives for poverty alleviation and equitable social and economic development for the improvement of livelihood.
Consultations have already been carried out in many countries. They involved all relevant stakeholders, allows sufficient time for effective consultations and development.

The preparation of the guidelines is not seen as a separate event but as an integral part of other initiatives. The guidelines should be consulted among all the concerned groups. The guidelines will be voluntary. They will be in support of national and regional demands.

Civil society has demanded for the amendment of the guidelines. In fisheries there are various sectors but the guidelines only talk about small-fisheries entrepreneurs. That's why consultations have not been held even in SA countries in India, Sri Lanka and Pakistan. The consultation will give inputs in zero draft. End of 2013, consultation will go head and after 2013 technical consultation will be started. If you are involved in fisheries you can create awareness of the process and of existing initiatives of the fisheries.

Generally, there is good feeling in the guidelines. But the civil society participation is less in many countries. Like Japan has not allowed the consultation with the civil society.

Case Presentation 9: Role of ANPFa in relation to Access to and Control over Land and other Natural Resources in Nepal

- **Mr. Balram Baskota, Deputy Secretary General, All Nepal Peasant's Federation, Nepal**

The agricultural and land reform movement of Nepal is moving ahead along with the democratic movement and its development. The political parties were organized via peasants’ movement. When their activities were banned they had intensified political activities under the banner of peasants.

ANPFA was established during Rana regime. It has played a very active role in movement. Rana regime was based on the aristocratic feudal production system. Majority of land was owned by the ruler and their kiins and kids. Nepal peasants were taken to the street after Julfikar Ali Bhutto was assassinated in Pakistan. They were taken to the street to express their solidarity to unlawful killing of Pakistani leader.

As soon as it was established in 1951 organizing landless peasants, Kamaiya, Haruwa and Charuwa was the mission of peasant’s movements. It was anti-Rana movement. Peasants organized a mass movement in Rajapur of Bardiya district against the brutal, oppression and discriminatory acts of landlord. In this mass movement six innocent people were killed while 37 were injured. Landlord attended the mass protest but the real peasants were deprived of attending the protest.

In Rautahat, 12 Jestha BS (1952), peasants protested demanded the hike in their daily wages, which was also suppressed and 5 peasant's died on the spot and 12 were injured in the incident. In 1990,
peasants of Lalitpur played prominent role to control over the district. Similarly street of Bhaktapur and Kirtipur were occupied by peasants against Monarchy.

After 1990, ANFPA focused in strengthening democracy. It actively participated in 2006’s anti-monarchy protest. Still the major tasks are far ahead. We are intervening national policies. Monsanto was forced to backtrack from Nepal due to our protest. ANFPA is presently focusing on new agricultural campaign for bio-diversity and nature conservation.

**Formation of Focal Group for ETO and VGGT**

Ms. Sabine Pabst led the session to formulate ETO and TG focal group to work in South Asia in coming days. Extended live discussion and arguments has been done and finally agreed to form the following two focal groups.

**ETO focal group members:**

Sri-Lanka – Mr. Tilak Karyawasam, Sri Lanka Nature Group  
India – Mr. Utkarsh Sinha, INSAF  
Ms. Neetu Sharma, National Law School, Bangalore  
Ms. Suman /FIAN India  
Nepal – Buddhi Ram Chaudhary, FIAN Nepal  
Mr. Tilak Adhikari, YAC Nepal  
Bangladesh – Mr. Pragati Chakma, Malaya Foundation  
Mr. Mujibul Haque Munir, COAST/ Equity  

Pakistan- Najma Sadeque, The Green Economics Initiatives

**TG focal Group Member:**

FIAN India – Ms. Suman Suman  
India – Lalji Desai, MARAG & WAMIP  
FIAN Nepal – Buddhi Ram Chaudhary  
Sri Lanka- Mr. Francis Priyankara Costa, NAFSO  
Pakistan – Ms. Najma Sadeque, The Green Economics Initiatives  
Bangladesh – Mr. Mujibul Haque Munir, COAST/ Equity

**Closing Ceremony**

On behalf of the organizers, **Dr. Sarba Raj Khadka**, Chairperson of FIAN Nepal thanked all the participants for active participation and contribution for ETO and Access to Natural Resource Workshop. He gave special thanks to FIAN Nepal members, Ana Maria, Sabine Pabst and Suman Suman and hoped to be in touch in future through the ETO and Natural Resources working groups.

On behalf of participants, **Ms. Najma Sedque** gave few remarks. She realized Pakistani people have worst situation. She expected more support from the participants/ working groups. She also said right to food has not been practiced in Pakistan at all. Multinational companies and military officials have been grabbing huge areas of land in Pakistan. She finally thanked the organizers, facilitators and participants for the great discussion and future contribution towards this.
Annex 1: Program Schedule

WORKSHOP
Access to Natural Resources /Extra Territorial States Obligations
Kathmandu, 16-19 April 2013
Organised by
FIAN Nepal, FIAN International and the ETO Consortium

Objectives of the Workshop

Expected Outputs Part 1:

- Clarity/Knowledge on the concepts
- Additional CSOs and academics join the ETO Consortium
- Strategy developed for advancing ETOs in SA
- Exchange of experiences of violations and steps taken at different levels
- Practical skills/Tools for analyzing ETO cases applying ETO Maastricht principles

Expected Outputs Part 2:

- Clarity/Knowledge on the concepts (Land tenure GL/Right to Land/Land grabbing)
- Exchange of experiences of violations and steps taken at different levels
- Practical skills/Tools for analyzing cases from right to food/right to land perspective and to apply the Guidelines
- Formulate strategies and initiate joint actions at country/regional level against land grabbing and for the promotion of the Tenure Guidelines

Programme Schedule

Part 1 ETO

Day One 16 April

<table>
<thead>
<tr>
<th>TIME</th>
<th>TOPIC</th>
<th>RESOURCE PERSON/METHOD</th>
</tr>
</thead>
</table>
| 9.30 – 10.15 | Welcome Remarks  
Introduction of participants /  
Introduction of Program and Organisers | Sarba Raj Khadka (FIAN Nepal Chairperson)  
Prem Dangal (FIAN International Vice President)  
Ana María Suárez Franco (ETO Consortium)  
NHRC representative |
General Introduction of ETOs – Background and Concept

<table>
<thead>
<tr>
<th>TIME</th>
<th>TOPIC</th>
<th>RESOURCE PERSON/ METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.15 – 10.30</td>
<td>General Introduction of ETOs – Background and Concept</td>
<td>Ana María</td>
</tr>
<tr>
<td>10.30 -11.00</td>
<td>Presentation of cases on ETO violations from the region India’s land grabbing in Ethiopia</td>
<td>Facilitator: FIAN Nepal Utkarsh Singh, INSAF (India) Anu Mohamad (Bangladesh) Ashok Singh (Nepal) Najma Sadek (Pakistan)</td>
</tr>
<tr>
<td></td>
<td>Destruction of agricultural lands through development projects, Bangladesh</td>
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<td></td>
<td>Lakshmanpur Dam, Nepal</td>
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<td></td>
<td>Corporate farming in Pakistan</td>
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</tr>
</tbody>
</table>

Coffee/Tea

Discussion on the cases, identification of extraterritorial dimensions and of some ETO advocacy strategy

Facilitator: Sabine and FIAN Nepal

Lunch

Discussion on the cases, identification of extraterritorial dimensions and of some ETO advocacy strategy

Coffee/Tea

Presentation of the Maastricht Principles

Ana María

Day Two 17 April

<table>
<thead>
<tr>
<th>TIME</th>
<th>TOPIC</th>
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</tr>
</thead>
<tbody>
<tr>
<td>9.30 – 10.00</td>
<td>Presentation of the ETO Consortium</td>
<td>Sabine</td>
</tr>
<tr>
<td>10.00 – 13.00</td>
<td>Defining a regional strategy – Working Groups</td>
<td>Ana María</td>
</tr>
<tr>
<td>13.00 - 14.00</td>
<td>Lunch</td>
<td></td>
</tr>
<tr>
<td>14:00-15.00</td>
<td>Plenary</td>
<td>FIAN Nepal</td>
</tr>
<tr>
<td>15:00-15:30</td>
<td>Coffee/Tea</td>
<td></td>
</tr>
<tr>
<td>15:30-17.00</td>
<td>Consolidation of regional strategy/ Conclusions and recommendations</td>
<td>Ana María</td>
</tr>
</tbody>
</table>

Part 2 Access to Natural Resources

Day Three 18 April

<table>
<thead>
<tr>
<th>TIME</th>
<th>TOPIC</th>
<th>RESOURCE PERSON/ METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.30-10.00</td>
<td>Land and Resource Grabbing in South Asia: Overview</td>
<td>Shapan Adnan (Bangladesh); Ujjaini Halim (India)</td>
</tr>
<tr>
<td>TIME</td>
<td>TOPIC</td>
<td>RESOURCE PERSON/METHOD</td>
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<tr>
<td>10.15 - 11.00</td>
<td>India: Pastoralist perspective Land grabbing and the commons</td>
<td>Lalji Desai (India) C.R. Bijoy (India)</td>
</tr>
<tr>
<td>11.00 – 11.30</td>
<td>Coffee/Tea</td>
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</tr>
<tr>
<td>12.00 – 13.00</td>
<td>Discussion</td>
<td>FIAN Nepal</td>
</tr>
<tr>
<td>13.00- 14.00</td>
<td>Lunch</td>
<td></td>
</tr>
<tr>
<td>14.00– 15.30</td>
<td>Presentation FAO/CFS Tenure Guidelines, round of questions</td>
<td>Lalji and Sabine</td>
</tr>
<tr>
<td>14.00– 15.30</td>
<td>From paper to reality: Claiming implementation at national and regional level: elements for strategies</td>
<td>Gilbert Sape</td>
</tr>
<tr>
<td>15.30 -15.45</td>
<td>Coffee/Tea</td>
<td></td>
</tr>
<tr>
<td>15.45 - 16.15</td>
<td>Using the Guidelines for case advocacy: case example</td>
<td>Sabine</td>
</tr>
<tr>
<td>16.15 – 17.30</td>
<td>Potential of the Guidelines for the struggle for land and natural resources? How to link local, national and regional strategies?</td>
<td>Working groups</td>
</tr>
</tbody>
</table>

**Day Four 19 April**

<table>
<thead>
<tr>
<th>TIME</th>
<th>TOPIC</th>
<th>RESOURCE PERSON/METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.30 – 11.00</td>
<td>Presentation of the working groups and Plenary Discussion</td>
<td>FIAN Nepal</td>
</tr>
<tr>
<td>11.00 – 11.30</td>
<td>Coffee/Tea</td>
<td></td>
</tr>
<tr>
<td>11.30 – 12.30</td>
<td>Access to resources at the UN: Presentation of the Declaration of Rights of Peasants: content and process The work of CEDAW and the work of SR on Housing.</td>
<td>Ana María</td>
</tr>
<tr>
<td>12.30 – 13.00</td>
<td>The International Guidelines for Small-scale Fisheries</td>
<td>Ujjaini</td>
</tr>
<tr>
<td>13.00 - 14.00</td>
<td>Lunch</td>
<td></td>
</tr>
<tr>
<td>14:00-15.00</td>
<td>Peasant Movement in Nepal in relation to natural resources</td>
<td>ANPFA</td>
</tr>
<tr>
<td>15:00-15:30</td>
<td>Coffee / Tea</td>
<td></td>
</tr>
<tr>
<td>15:30 - 17.00</td>
<td>Discussion: action/advocacy points, follow up strategy</td>
<td>FIAN Nepal</td>
</tr>
</tbody>
</table>
Annex 2: Strategy for South Asian Focal Group on ETOs

Group 1

Participants:
1. Munir, Bangladesh
2. Priyankara Costa, Sri Lanka
3. Adanan Shapan, Bangladesh
4. Tilak Adhikari, Nepal
5. Namita Shrestha, Nepal
6. Neetu Sharma, India

Consortium Objectives
- To increase ETOs’ understanding
- To strengthen case analysis of CSOs case work with the ETO approach
- To increase ETO application in judicial and quasi-judicial decisions
- To increase ETO recognition in public policies

Challenges and Opportunities

<table>
<thead>
<tr>
<th>Opportunities</th>
<th>Challenges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identification of cases related to ETOs</td>
<td>Existing notions of jurisdictions and national sovereignty</td>
</tr>
<tr>
<td>Availability of platforms/networks to exchange</td>
<td>Socio political intolerance towards the interests in other counties</td>
</tr>
<tr>
<td>experiences and ideas/devising platforms for</td>
<td></td>
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<tr>
<td>further discussions</td>
<td></td>
</tr>
<tr>
<td>Research and other technical support available</td>
<td>Existing aid and dependency relationships</td>
</tr>
<tr>
<td>available from ETO consortium</td>
<td></td>
</tr>
<tr>
<td>Media</td>
<td>Neo Liberal Globalisation: Development Model and policies</td>
</tr>
<tr>
<td>Engaging the legal/judicial system</td>
<td></td>
</tr>
</tbody>
</table>

Thematic Priorities of Group
- Financial regulation and taxes
- Corruption
- Trade, investment, poverty reduction programs
- Extractive industries, land grabbing and TNCs
- Eco Destruction, climate change
- IFIs, development cooperation
- Rights to food and health
- Conflict, occupation, war
### Possible dimensions/activities for cooperation

<table>
<thead>
<tr>
<th>Increasing ETO understanding and visibility</th>
<th>Strengthening case analysis in CSOs’ work with ETO approach</th>
<th>Increase ETO application in judicial decisions</th>
<th>Increase ETO recognition in public policies</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Further research on international legal instruments and national policies, laws and regulations</td>
<td>Conducive Legal reform</td>
<td>Sensitisation of legal and judicial system</td>
<td>Sensitisation of advocacy with policy makers</td>
<td></td>
</tr>
<tr>
<td>Operational guidelines</td>
<td>Research and policy analysis on the specific cases</td>
<td>Making effective references to precedents and examples from other countries</td>
<td>Formation of complementary public opinions in different settings</td>
<td></td>
</tr>
<tr>
<td>Advocacy for ratification of ETO principles by states and international bodies</td>
<td>Enabling participation of all concerned groups</td>
<td>Use of media for formation of conducive public opinion</td>
<td>Coordinated efforts</td>
<td></td>
</tr>
<tr>
<td>Workshops, Capacity building of concerned groups</td>
<td>Guidelines for CSOs on use of ETO approach for case analysis</td>
<td></td>
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</tbody>
</table>

### Activities, roles, responsibilities

<table>
<thead>
<tr>
<th>What</th>
<th>Who</th>
<th>When</th>
<th>Needed resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case documentation</td>
<td>CSOs</td>
<td></td>
<td>Research support from ETO consortium</td>
</tr>
</tbody>
</table>
| Policy analysis and dissemination | Academics and research institutions | | Technical support from ETO consortium:  
1. Legal  
2. Trainers |
| Capacity building and sensitisation of affected groups, media, political parties, CSOs, government functionaries, judiciary | ETO consortium and NGOs | | Support from ETO for facilitation of dialogue among the affected groups  
Facilitation of advocacy in different countries |
| Advocacy for law reform | CSOs, other groups | | Human Resources  
Financial Resources |
Proactive engagement with the groups in other settings | ETO consortium should facilitate
---|---
Legal action (filing case and submitting relevant reference | Lawyers
Exploring possibilities of international legal action including arbitration/mediation etc. | ETO consortium should facilitate

**Group # 2**

**Participants:**
1. Jagdish Singh - Nepal
2. Nirmal Uprety – Nepal
3. Rafique – Bangladesh
4. Thilak - Sri Lanka

**Identifying challenges and opportunities**

<table>
<thead>
<tr>
<th>Opportunities</th>
<th>Challenges</th>
</tr>
</thead>
<tbody>
<tr>
<td>More common problems in south Asian countries</td>
<td>Negative influence attitude and mentality</td>
</tr>
<tr>
<td>A common platform would be established to address those problems</td>
<td>Both political and economic instability</td>
</tr>
<tr>
<td>SAARC a regional association already existing could be used</td>
<td>Dominating nature of powerful states</td>
</tr>
<tr>
<td>We have common political and legal system</td>
<td>Not updated laws, lack of political diplomacy, inconsistence political system and policies</td>
</tr>
<tr>
<td>Traditional economic condition based on agriculture production</td>
<td>Wrong economic policies, Land grabbing, traditional way agriculture</td>
</tr>
<tr>
<td>Rich in biodiversity and natural resources</td>
<td>Natural disaster, effective use of natural resources</td>
</tr>
<tr>
<td>Ratification of many international human rights treaties Human resources</td>
<td>Non implementation and unawareness about those treaties, non domestication of international treaties Migration, brain drain internal conflict and civil war</td>
</tr>
</tbody>
</table>

**Thematic priorities (Focal Groups)**
- Eco Destruction, climate change
- Conflict, occupation, war
### Possible dimensions/activities for cooperation

<table>
<thead>
<tr>
<th>Possible dimensions/activities for cooperation</th>
<th>Increasing ETO understanding and visibility</th>
<th>Strengthening case analysis in CSOs’ work with ETO approach</th>
<th>Increase ETO application in judicial decisions</th>
<th>Increase ETO recognition in public policies</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country level consultation among stakeholders</td>
<td>Giving more overview about cases which are coming under ETO approach</td>
<td>Sensitizing legislature and judiciary about ETO principles</td>
<td>Sensitizing executive, government officials and policy makers about ETO</td>
<td>All the information related with ETO’s has to be translated into local languages</td>
<td></td>
</tr>
<tr>
<td>Dissemination of information about ETO among related stakeholders</td>
<td>Acquainted/empower CSOs activists about ETO cases</td>
<td>Provide updated information to judiciary</td>
<td>Consultation with policy makers about the updated information on ETO</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Activities, roles, responsibilities

<table>
<thead>
<tr>
<th>What</th>
<th>Who</th>
<th>When</th>
<th>Needed resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishment of Regional Mechanism</td>
<td>Participants of regional consultation</td>
<td>During workshop</td>
<td>Facilitation, coordination, secretariat and some finance</td>
</tr>
<tr>
<td>Translating ETO’s related information in local language</td>
<td>Organization/participant</td>
<td>3-6 months</td>
<td>Documents, translators and finance</td>
</tr>
<tr>
<td>Country level consultation</td>
<td>Participants of respective countries</td>
<td>Within 3-6 months</td>
<td>Coordination, documents, facilitators and finance</td>
</tr>
<tr>
<td>Developing country level strategies and plan of action</td>
<td>People who participate to the national consultation</td>
<td>6-12 months</td>
<td>Coordination, documents, facilitators and finance</td>
</tr>
</tbody>
</table>

**Group 3**

**Participants:**
**Identifying challenges and opportunities**

<table>
<thead>
<tr>
<th>Opportunities</th>
<th>Challenges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common economic processes and economic forces across countries in South Asia</td>
<td>Common understanding, focus, and alliance building</td>
</tr>
<tr>
<td>Existence of some people oriented laws</td>
<td>Existence of anti-people domestic laws and the need to change these laws</td>
</tr>
<tr>
<td>Existence of international processes and institutions</td>
<td>Effective use of these instruments</td>
</tr>
<tr>
<td>Intensification of resource grab, denial of livelihood and struggles</td>
<td>Deepening of the emerging understanding and analysis of this phenomenon and particularly the increasing global process cutting across nations</td>
</tr>
<tr>
<td>Cooption of the state/governments by dominant economic forces</td>
<td>Emergence of resistance movements and strengthening cooperation/joint actions/setting common frame, particularly making them as political agenda domestically and internationally</td>
</tr>
</tbody>
</table>

**Possible dimensions/activities for cooperation**

<table>
<thead>
<tr>
<th>Increasing ETO understanding and visibility</th>
<th>Strengthening case analysis in CSOs’ Works with ETO approach</th>
<th>Increase ETO application in judicial decisions</th>
<th>Increase ETO recognition in public policies</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Examination of domestic laws with reference to ETO and related matters</td>
<td>Examination of compliance with any ETO related domestic laws in the country of origin and relevant laws of destination countries; going beyond local to national and global when targeting corporate</td>
<td>Introduction of the existing provisions, if any, in litigations in the countries of origin and destination</td>
<td></td>
<td>Defining changes on ETO within domestic laws</td>
</tr>
<tr>
<td>Examining preferential treatments to FDI</td>
<td>Implications with reference to compliance with domestic laws</td>
<td>-do-</td>
<td></td>
<td>Policy and legal changes against such protective measures domestically and internationally</td>
</tr>
</tbody>
</table>

Remarks
Group 4:

Participants
1. Ferdous Ara Rumee, Bangladesh
2. Ganesh Tharu, Nepal
3. Lalji Desai, India
4. Pragati Chakma, Bangladesh
5. Utkarsh Sinha, India
6. Ujjani Halim, India
7. Shreeju Shrestha, Nepal

Opportunities
- Common history of the countries leading to common understandings of the dynamics in the development paradigm
- Strong history of social movements
- Sovereign states which ratified international treaties (obligations)
- Strong presence of CSOs
- Support of concerned academia, media
- Challenges as opportunities

Challenges
- Socio-economic and demographical characteristics of South Asia
- CBOs, CSOs, government agencies have poor understanding of ETO and particularly social movements lack skills in integrating ETO perspective in their right based struggles
- Existing development paradigm: Global power dynamics
- No accountability (MNC/TNC)
- Financial dependency of various actors (academia, media, government agencies) on TNCs and IFIs
- Poor reorganisation of ESCRs of indigenous people
- Transboundary Biodiversity Issue
- Community participation in overall governance: very weak
- The benefits of the pro people international human rights instruments not reaching the marginalized
- Militarization and cross border conflicts
- Corruption

Thematic Priorities
- Financial regulation and taxes (EPZ, SEZ, SIR)
- Corruption
- Trade, investment, poverty reduction programs with IPRs
- Extractive industries, land grabbing and TNCs
- Eco Destruction, climate change
- IFIs, development cooperation
- Rights to food and health
- Conflict, occupation, war
- Conflicts over rights of indigenous communities/groups
### Possible dimensions/activities for Cooperation

<table>
<thead>
<tr>
<th>Increasing ETO understanding and visibility</th>
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<th>Increase ETO recognition in public policies</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identification, documentation, publication and sharing of cases with ETO dimensions with larger CSOs</td>
<td>Orientation programme (macro-micro linkages &amp; perspective building)</td>
<td>Linking/integrating ETO obligations in fundamental rights framework</td>
<td>Policy analysis</td>
<td>Regular follow-up among this group</td>
</tr>
</tbody>
</table>

| Awareness and knowledge building among various actors at different levels (using appropriate languages for effective communication) | Developing tools, guidelines | Vision Document (for demanding incorporation of ETO dimension in Public Policy) | Possibility to develop a sub-regional and national effective structure | |

| Advocacy & Lobby work with national governments, legislatures and regional forums (also global) (ASEAN, SAARC) | | | | |

| Media advocacy | | | | |

### Activities, Roles and Responsibilities

<table>
<thead>
<tr>
<th>What</th>
<th>Who</th>
<th>When</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Case work with ETO Dimension</td>
<td>Sub-regional and national structures (through consultations)</td>
<td>Sub-regional structure may evolve from this workshop</td>
<td>Financial, human and technical resources</td>
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</table>

| Awareness and knowledge building at different levels | Point organisations may be identified here | | |

28
| Advocacy & Lobby work with governments, legislatures and regional forums | Point organisations will organise national consultation for developing national structure |
| Media advocacy | |
| Developing working structure (sub-regional & national) | |
| Vision Document | |
## Annex 3: List of Participants

**16-19 April 2013**  
**Kathmandu, Nepal**

<table>
<thead>
<tr>
<th>SN</th>
<th>Name of Participants</th>
<th>Organization</th>
<th>Country</th>
<th>Email</th>
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प्रेस विज्ञप्ति

जर्गा अतिक्रमण खाद्य अधिकारमा खतरा निम्याउँदै

राजधानीमा हाले सम्पन्न अन्तर्देशीय दायित्व र प्राकृतिक श्रोत र साधनमा पहुँच विषयक चार दिने दक्षिण एसियाली कार्यशाला शुक्रबार राजधानीमा सम्पन्न भएको छ।

कार्यशालामा सहभागी नेपाल, भारत, पाकिस्तान, बंगलादेश, श्रीलंका, र मलेशियाका नागरिक समाजका अनुसार यस्तो संस्थासो देशमा रहेका बहुस्तरिक कम्पनी, राज्य र सुरक्षा निकाय जर्गा अतिक्रमणमा सक्रिय भएकाले जनताको खाद्य सुरक्षा र जिविकोपार्जनमा गम्भीर खतरा उत्पन्न भएको बताएका थिए।

जर्बजस्तीपूर्ण विकासले एसिया लगायत विश्वबर्षका आदिवासी, किसान र स्थानीय जनताको जिविकोपार्जन, वातावरिणी विनास र मानवअधिकारको उल्लंघनको कारक भएको सहभागीहरुले बताए।

“राज्य, बहुस्तरिक कम्पनी, निजी क्षेत्रका लागानी र सैनिक अधिकारीहरुले निरन्तर रुपमा जर्गा केह्रा गरिहेका छन्। प्राकृतिक श्रोतमा जनताको अधिकार स्थापित गर्न तपाईहरु सबैको सहयोग चाहिएको छ,” पाकिस्तानका सहभागी नज्मा साइदको भनिन्।

दक्षिण एसिया एक तिहाई भन्दा बढी गरिहरुको आश्रय स्थल भएको बताउँदै फियान नेपालका अध्यक्ष डा. सर्वराज खड्काले गरिबी, भोक्माली र कुपोषण जस्ता समस्याको सम्बोधन गर्नका लागि सरकारलाई उत्तरदायी बनाउन आवश्यक रहेको बताउनु भयो।

कार्यशालाका सहभागीहरुले प्राकृतिक साधनश्रोत सम्मको पहुँचका लागि स्थानीयको एकता हुनुपन्नेमा जोड दिए। विश्व वैक, एसियाली विकास वैक जस्ता विकास साम्बेदनाको जर्बजस्त विकासले मानव अधिकारको उल्लंघन गरेकोले अन्तर्देशीय दायित्व लगायतका अन्तर्णिक कार्यको पालना गर्न जोड दिएका थिए। उनीहरुले बढुसो जर्गा केह्रा अन्त्यको लागि सामूहिक पहल गर्न प्रतिविद्धता सहित दक्षिण एसियास्त्रीय संयुक्त निर्माण गरेका छन्।
PRESS RELEASE

**Land grabbing, threatening right to food beyond national boundaries**

A four day regional workshop on "**Extraterritorial States Obligations and Access to Natural Resources**" concluded on Friday in Kathmandu.

Civil society leaders attending the workshop from Nepal, India, Pakistan, Bangladesh, Sri Lanka, and Malaysia said that multinational companies, state authorities and security forces across the globe are active in land grabbing and pose serious threats and violations to people's right to food and livelihoods.

These actors, according to the participants, are causing environmental degradation, serious threats and human rights violations to indigenous people and peasant's in South Asia and worldwide.

"States, multinational companies, private investors and military officials have continued to grab huge chunk of land in Pakistan. We need your support to ensure peoples' access to natural resources," Najma Sadeque of SHIRKAT GAH an NGO from Pakistan said.

Stating that more than one third of the poor people residing in South Asian region Dr. Sarba Raj Khadka, chairperson of the Food First Information and Action Network Nepal (FIAN-Nepal) pointed out the need of timely action to end poverty, hunger and malnutrition by ending land grabbing trend, holding states responsible and accountable towards the people, in their own territories and beyond their borders.

Participants stressed on the need of creating peoples' access to natural resources to safe guard food sovereignty. Stating that forced development projects of international financial institutions like World Bank and Asian Development Bank among others, have posed a serious threat to peoples' right to adequate food and access to natural resources they have requested States to comply with their domestic and Extraterritorial Human Rights State Obligations.

They had also pointed out the need of joint initiatives in South Asian countries to end the land grabbing.

Please visit the following sites for online news:


http://freedomtonationsl.blogspot.com/2013/04/workshop-on-extraterritorial-states.html

http://www.fian.org/library/publication/detail/workshop_extraterritorial_state_obligations_and_access_to_natural_resources/