

## Transnational Land Deals and Gender Equality: Utilitarian and Human Rights Approaches

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Despite increasing global policy attention to women in agriculture during the first decade of the twenty-first century, review studies show that since 2008, a wave of large-scale, transnational land deals – the buying and leasing of land, often in poor countries in the Global South – has occurred with little or no attention to gender. Case studies show that gender discrimination may affect women's participation and ability to protect their rights and livelihoods. Examining a sample of emerging policy documents by influential, international organizations, Poul Wisborg asks how the ethical (normative) approaches of utilitarianism and human rights have addressed gender equality and women's interests in the transnational land deals.

Confirming the finding of earlier review studies, most of the policy documents the author reviewed from either perspective paid only casual attention to women's interests and failed to consider the systemic gender inequality that characterizes the context of most land deals.

**The role of utilitarianism.** Utilitarian approaches (based on the assumption that morally good actions are those that help the most people) have dominated the increasing policy attention to women in agriculture during the past decade. In some versions such approaches are a means to promote production and growth, or are "nothing more than smart economics," as the World Bank stated in 2006. Utilitarian perspectives alert us to the fact that land deals and accompanying investments may yield jobs, training, and improved services, for women as well as men, but gender did not figure in utilitarian arguments when global institutions were evaluating and seeking to regulate land acquisitions. The Principles for Responsible Agricultural Investment, formulated in 2010 by UN agencies, the International Fund for Agricultural Development, and the World Bank, paid only scattered attention to gender. A major World Bank study from 2011 valuably identified a general negative impact on women, yet did not address this in its conclusions and recommendations, possibly because promoting land deals as a way to empower rural women appeared implausible.

**Human rights, women's rights, and transnational land deals.** Human rights to participation, property, home and housing, secure livelihoods, food, and water are put at stake by transnational land deals. And women's rights in these respects are guaranteed in, among others, the Convention on the Elimination of All Forms of Discrimination Against Women, the Maputo Protocol on the Rights of Women (2003), and the Voluntary Guidelines on the Right to Food (adopted by the FAO in 2004).

Various studies and critiques of transnational land deals, particularly by civil society organizations, evoked these rights but again with uneven attention to gender equality and impact on women. While gender equality has received increasing policy attention, most manifestly in the 2012 Voluntary Guidelines on the Responsible Governance of Tenure to Land, Fisheries, and Forests, negotiated in the Committee on World Food Security, without an enforcement mechanism these Guidelines remain ambiguous tools to secure women's rights under transnational land acquisitions.

**Human rights and utilitarian approaches: Complementary lenses.** Global policy attention to women in agriculture during the past decade was not matched by effective attention to gender equality in early policy documents on the transnational land deals. Utilitarian approaches often lack adequate protection for individuals and projections of future benefits may be alluring in the absence of evidence on completed deals. The utilitarian discourse on gender equality as smart economics appeared to lack plausibility and failed to advance feminist policy responses to the land deals. While human rights are more explicit on equality and women's rights, the attention to gender in early policy initiatives on the land deals was generally casual. With support in earlier review studies, Wisborg assumes the causes of this relative invisibility to be the gendered power relations that shape land and agrarian conditions and policies, including lack of gender-specific knowledge; Wisborg argues that normative approaches also play a role in entrenching or challenging the exclusion of gender. In Wisborg's view a failure to mobilize the feminist potential in either utilitarian or human rights approaches appeared more significant than the differences between them. Wisborg argues, however, that human rights and utilitarian approaches could be applied as complementary lenses on the land deals, using human rights to evaluate which land deals may be justifiable and then using utilitarian calculations to maximize the benefits from the land deals that pass the human rights test. Then, the feminist potential of these two normative approaches would need to be mobilized in the gendered power struggles over land, policies, and daily lives that these controversial deals involve.

Read the article in full at:

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