RESISTING THE GROWING POWER OF TRANSNATIONAL CORPORATIONS IN LATIN AMERICA AND THE CARIBBEAN

COMPILATION AND SUMMARY OF NATIONAL ASSESSMENTS

DECEMBER 2021

PICTURE: AMIGOS DA TERRA BRASIL

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América Latina y el Caribe

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Friends of the Earth Latin America and the Caribbean (ATALC)[1]

December 2021

This document summarises the main findings of eight national assessments[2] on the growing power of transnational corporations in the agriculture and energy sectors, and the policy and legislative changes that have facilitated this concentration of power. The assessments were conducted by Friends of the Earth Latin America and the Caribbean (ATALC) member organisations in their respective countries.

The national organisations' work made it possible to capture general trends for the region and to identify the political frameworks imposed under the neoliberal economic model. With the complicity of governments, the concentration of power has different consequences for peoples, with greater implications for women in relation to violations of their rights.

The studies surfaced a series of common elements:

› Most regulatory frameworks were imposed in deeply anti-democratic scenarios that deny social participation and the rights of peoples, including contexts of militarisation and the criminalisation and persecution of social movements. These anti-democratic processes have affected certain sectors more than others – in particular, peasants, Indigenous Peoples, Afro-descendent people, the working classes, and women.

› Transnational corporations (TNCs) are leading a strong offensive to control territories. Through lobbying and political pressure, TNCs have induced governments aligned with the neoliberal model to broaden the agricultural frontier and expand monoculture plantations, as well as to push forward hugely destructive energy mega-projects.

› Neoliberalism and the power exercised by TNCs have clearly materialised in governmental programs to reform the State, public policies, and regulations – with multiple adverse effects on territories and peoples, further exacerbated by trade and investment liberalisation treaties.

› All cases have surfaced direct impacts on women, with a marked emphasis on the lack of access to land and means to sustain livelihoods. Violence against women is of particular concern, especially as it has become more severe due to militarisation and regulatory changes that undermine women's rights.

› Dispossession, forced displacements, and the precariousness of life in rural areas are intensified through policy and regulatory changes, as well as with violence and persecution. Land tenure and territorial conflicts go hand in hand with the criminalisation of defenders.

This synthesis document also offers strategies that can confront current policies and the power of TNCs.

1. This document was written by Friends of the Earth Brazil, CENSAT Agua Viva/ Friends of the Earth Colombia, CESTA /Friends of the Earth El Salvador, COECO Ceiba / Friends of the Earth Costa Rica, Movimiento Madre Tierra /Friends of the Earth Honduras, Tierra Nativa /Friends of the Earth Argentina, UDAPT /Friends of the Earth Ecuador, and Otros Mundos A.C. /Friends of the Earth Mexico, with the support of ATALC.
2. The national assessments were conducted by the above-mentioned groups in Costa Rica, El Salvador, Brazil, Argentina, Mexico, Ecuador, Honduras, and Colombia.

I. Historical trends in the imposition of policies that facilitate the growing power of transnational corporations.

During the early 1990s, different countries in the region – like Costa Rica and El Salvador – instituted a series of political reforms in a bid to restructure or "modernise" the State. Ultimately, though, the reforms leaned towards liberalising the economy and creating the conditions to install the neoliberal model and its structural underpinnings.

Although the constitutional and regulatory changes made during this period included a political narrative of guaranteeing rights within the Welfare State, they actually encouraged the privatisation and commodification of the commons under economic liberalisation schemes, with profound implications for the fulfilment of rights. This also opened the door to the entry of domestic private companies and TNCs into areas that were once the exclusive responsibility of the States, such as public services and the necessary resources to guarantee those services – water and energy. The participation of public-private partnerships became a trend throughout the region and as a result, the model of TNC involvement began to gain ground in Latin America at an accelerated pace.

The free trade doctrine – and the treaties that were forcefully imposed and implemented in the region starting in the 1990s – gave rise to a period of conflicts that continues today, facilitating the accumulation of capital through the presence of TNCs in national territories, and the subjugation of peoples to the market.

Each of the national assessments that inform this synthesis report identified governmental programs that facilitated transnational participation in the energy and agriculture sectors.

In Costa Rica, economic policy changes drastically affected the agriculture sector. Among them, the Structural Adjustment Programs (SAP) implemented between 1985 and 1991; the 2007 approval of the Free Trade Agreement between the United States, the Dominican Republic, and Central America (DR-CAFTA); and Costa Rica's entry into the Organisation for Economic Co-Operation and Development (OECD) Committee for Agriculture in 2020. The OECD guidelines – in Costa Rica and in other countries – have served to standardise, homogenise, and create national policies in line with Free Trade Agreements (FTAs) and investment protection treaties.

Costa Rica's agricultural policies in recent decades have favoured an agro-export model that focuses on the promotion of monoculture plantations, causing profound economic, social, and ecological imbalances. The Mesoamerican country is growing more products for export in less land, and it is exporting fruits as well as products manufactured in maquilas (sweatshops). Moreover, it is increasingly importing food. On average, 61% of the country's staple crops comes from external markets; according to the 6th National Agricultural Census conducted in 2014, 34% of rice is imported, as is 69% of maize and 73% of beans.[3]

In Mexico, every presidential administration has enacted public policies that give greater benefits to local oligarchies or TNCs, either directly or through measures that rhetorically commit to strengthening the Mexican agricultural sector. A significant period for neoliberal economic globalisation began in the 1990s, with the consolidation of trade liberalisation policies that undermine the rights and possibilities of peasants and small-scale producers.

Of particular importance was the negotiation and subsequent implementation of the North American Free Trade Agreement (NAFTA), one of the many initiatives to open markets and liberalise trade between two or more countries in Latin America, ostensibly to boost economic growth. Since NAFTA's entry into force, successive Mexican governments pushed through reforms in the different ministries that dealt with peasants and producers, and with rural development. This led to the disappearance of several key institutions promoting agricultural production, distribution, and food security, gradually orienting the country towards an agro-export model in relation to its main trading partner – the United States.

El Salvador adopted a neoliberal economic model at the end of the civil war, with an immediate result of severely damaging agriculture. The new model imposed the falsehood that the State should not have a national production policy, because the market would facilitate the import of affordable food. This led to the dismantling and disappearance of institutions that supported peasant agriculture, including the disappearance of programmes that, despite the civil war, had enabled El Salvador to have a good agricultural yield. These changes caused a decline in the agricultural sector's share of the Gross Domestic Product (GDP), an acceleration of migration from the countryside to cities and abroad, and an increase in dependence on imported food, along with other relevant impacts.

With the economic opening based on the 1991 constitution and the FTA with the United States, Colombia adopted the same neoliberal recipes that bankrupted national producers,

3. INEC (2014). VI Censo Nacional Agropecuario. https://www.inec.cr/censos/censo-agropecuario-2014

installed regulations favouring public-private partnerships, and dismantled institutions that supported peasants and small-scale producers. With the support of the United States, the policies were accompanied by the militarisation of the country, using the development aid doctrine as a counter-insurgency strategy implemented through Plan Colombia and, later (in the first decade of the 2000s), under the pernicious democratic security doctrine.

Argentina currently has 55 Bilateral Investment Treaties (BITs) in force. The majority of these BITs were signed during Carlos Menem's first neoliberal government between 1990 and 1995, creating a wave of foreign investments in the country. The foreign direct investment that reached Argentina in this period was concentrated on the privatisation of public services and transfers of shares within the private sector. Of the total inward flow of foreign direct investment between 1992 and 2000, 56% was destined for the purchase of both State-owned and private enterprises.[4]

Foreign investment in Argentina is a long-standing problem that is directly linked to transnational actors and territorial control. The privatisation wave of the 1990s was followed by numerous lawsuits in international Investor-State Dispute Settlement (ISDS) tribunals. Argentina was the country in the region most frequently sued by TNCs, especially after the 2001 crisis, and was heavily penalised by the tribunals. Twenty percent of the claims involved drinking water, and directly affected people's food sovereignty and their right to health. The most emblematic case against the State of Argentina was the claim by TNCs Suez and Aguas de Barcelona at the International Centre for Settlement of Investment Disputes (ICSID), which operates under the auspices of the World Bank (WB). ICSID ruled against Argentina on 2 August 2010 – four years after the drinking water company was re-nationalised, and just five days after the United Nations (UN) declared "the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights."[5]

Brazil experienced similar economic liberalisation in the 1990s, and the current scenario is alarming. Jair Bolsonaro was elected president of the country in 2018, marking the extreme right's ascent to power. His political platform included austerity policies; liberalisation and deregulation of the economy; privatisation and increased exploitation of mining resources; and the expansion of agribusiness.

He also maintained a blatant contempt for social movements, *quilombola* and peasant communities, and Indigenous Peoples; a marked anti-environmentalism; and the persecution of left-wing ideologies.

Along those lines, the Bolsonaro government has imposed far-reaching changes that threaten territories and the rights of peoples. Brazil's economic policy is in line with the Chicago School doctrine and the major international financial institutions, such as the International Monetary Fund (IMF). This has meant huge budget cuts for social welfare, healthcare, education, and job creation; privatisations of the energy sector and the post office; and social security reform. Among other aspects of his political programme is the weakening – or outright dismantling – of spaces for democratic participation, cutting the budgets and eliminating the autonomy of civil society participation bodies such as the National Human Rights Council and the National Environment Council. His iron-fisted anti-indigenous policy has manifested in multiple ways, including cutting the budget of the National Indian Foundation *(Fundação Nacional do Índio* - FUNAI),[6] and his refusal to demarcate new indigenous lands while simultaneously negotiating and authorising the entry of illegal miners and loggers onto indigenous lands. Additionally, the government has expressed its intention to withdraw from the International Labour Organisation (ILO) Convention 169, an international treaty that establishes the standard for obtaining free, prior, and informed consent from traditional peoples for any project that may affect them or their territories.

A review of the conditions that prevailed from the 1990s onwards in each of the countries included in the assessment exposes economic liberalisation and its various features as a common trend promoting changes in national policies to facilitate private sector participation in the different areas of the region's national economies. This in turn permitted the entry of transnational actors into the agriculture sector and the provision of public services. Policy changes along with the signing of FTAs and BITs imposed new conditions on the agriculture and energy sectors, adversely affecting peasants and local small-scale producers who began to compete with transnational food production and distribution corporations, while simultaneously confronting territorial conflicts due to violations of the rights to water and energy, and the dispossession and displacement inherent in the transnational occupation of territories.

4. Ghiotto Luciana and Laterra Patricia (Eds.). 25 Años de Tratados de Libre Comercio e Inversión en América Latina. Buenos Aires. 2020.
5. Resolution 64/292 adopted by the General Assembly on 28 July 2010, on the human right to water and sanitation https://undocs.org/pdf?symbol=en/a/res/64/292
6. Justica Global et. al. The Impact of Covid-19 on the Defence of Human Rights in Brazil. Geneva: FIDH. 2021. https://www.fidh.org/IMG/pdf/rapport-bresil2021ang.pdf

It is also clear that in most cases, these reforms came about through undemocratic governmental decisions without any public participation in national decision-making processes, even when the new model had direct repercussions on peasants, small-scale producers, and national manufacturers.

II. Creating and exacerbating territorial conflicts.

Another aspect of the growing power of TNCs in the agriculture and energy sectors is the escalation of territorial conflicts. A review of this phenomenon in the different countries analysed in this assessment surfaced the finding discussed below.

In Costa Rica, the policy to promote the agro-export sector primarily based on encouraging corporate-held monocultures has created various conflicts, with significant negative effects on peasants and small-scale farmers as well as indigenous and local communities. It also created conflicts due to the expansion of the agricultural frontier, the use of pesticides, and the boost to agribusiness.

Many of the territorial conflicts in the country relate to:

> Competition between monoculture and food production in the same territory.
> The dispute between two types of territoriality: peasant versus agribusiness.
> The increase in exports and imports.
> Continued concentration of land, increasingly held by a fewer number of large corporations.

The expansion of agribusiness is responsible for the deforestation of hundreds of hectares of forest area. The 2019 State of the Nation Report revealed that there are 3,824 hectares planted with pineapple within protected areas such as the Northern Border Corridor, the Maquenque Wildlife Refuge, and Barra del Colorado. The pineapple plantations have also encroached on 16,324 hectares of wetlands.[7] This, added to the various conflicts over the contamination of communal aqueducts and agrochemical poisoning, reveals a major contradiction between the country's proclaimed vocation for nature conservation and the production dynamics of expanding destructive monocultures like pineapple plantations.

The territories claimed to be available for this monoculture expansion are the very lands that peasant communities are defending.
Another consequence of this expansion is the intensive use of agrochemicals. Costa Rica is the world's leading importer of pesticides or poisons. In 2010, Costa Rica 24.56 Kilograms of active ingredients (the chemical compound that acts as a pesticide) per hectare per year, followed by Colombia at 17.50 and China at 14.81.[8]

Poverty has not been reduced in the rural areas around which the various monoculture plantations, despite the agricultural sector's position as the second largest source of employment in Costa Rica. In rural areas, 30.3% of households live below the poverty line and informal employment in the sector is growing from around 50% to around 60%.[9]

As mentioned earlier, the anti-indigenous discourse in Brazil is stronger than ever, and the constant attacks by the government and its ministries – which are heavily influenced by the agricultural and extractive sectors – are echoed in discussions taking place at the country's Supreme Court. The main threat is the Constitutional Court's potential endorsement of the "Milestone Thesis" (Marco Temporal in Portuguese), which recognises as ancestral lands only those occupied by indigenous communities at the time of the Constitution's entry into force in 1988. The thesis is defended by large rural producers and has the support of the Attorney General's Office, which is controlled by Bolsonaro's government; it is immensely detrimental to Indigenous Peoples who make claims on their ancestral lands, having been displaced and removed from their lands many times throughout our history.

The scenario above demonstrates the government's intense contempt for any kind of public participation. Its main base of support today is agribusiness and extractivism; this is brutally evident in its treatment of popular and working-class collective subjects and in its imposition of policies that have been criticised worldwide, even by other countries that are generally viewed as pro-corporate.

The current government's development discourse entails the expansion of the mining frontier and the deregulation of the sector, benefitting big business. The dumping of up to 221 tonnes of mercury into the environment from illegal mining, with the ensuing contamination of water, is a reality that is ravaging Brazil. The Ministry of Mines and Energy's Decree

7. FECON. Aumentan en 300% las invasiones de Piñeras en Áreas Silvestres Protegidas y Humedales. 2019.
8. TCRN Staff, "Is Agriculture in Costa Rica on Route for Extinction?" The Costa Rica News, 29 June 2021. (https://thecostaricanews.com/is-agriculture-in-costa-rica-on-route-for-extinction/ See also (in Spanish), FAO (2011). Costa Rica: Número uno del mundo en uso de agroquímicos. https://www.fao.org/in-action/agronoticias/detail/es/c/508248/
9. Ministerio de Hacienda (2019). Informalidad en la Economía Costarricense y su Impacto en los Ingresos Fiscales.

N ° 135 / GM1 designating mining as an "essential activity", which continued uninterrupted even during the worst days of the pandemic, demonstrates the prominence of extractivism in the macroeconomic structure of the South American giant.

In El Salvador, the surface area dedicated to sugar cane monoculture has grown in recent years. In 2002, 89,740 hectares were used for sugar cane cultivation, equal to 4.26% of the national surface area; between 2000 and 2015, the percentage of surface area dedicated to this crop rose to 20%. According to the Ministry of Environment and Natural Resources land use data, 13 of the country's 14 departments have land dedicated to sugar cane cultivation at different scales; 58.2% of the total cultivated area is concentrated in four coastal departments – La Paz, Sonsonate, Usulután, and La Libertad.[10]

The expansion of sugar cane monoculture displaced the cultivation of staple crops, as sugar cane requires high-quality soil. These monocultures also expanded to irrigated areas, primarily in the Western and Central regions of the country. Sugar production is very demanding of surface and groundwater; it requires agrochemicals such as glyphosate (which is very harmful to human health and the environment), uses widespread pre-harvest burning, and has spread to coastal areas such as Jiquilisco Bay, where it contributes to the degradation of the mangrove ecosystem. At this time, the relevant authorities neither control nor intervene in the cultivation of this crop.

In Argentina, the corporate-led advance of monoculture plantations has increased the use of pesticides – from 300,000 tonnes per year in 1990 to 4.6 million tonnes in 2019, according to information published by the Chamber of the Argentine Fertiliser Industry (CIAFA for its acronym in Spanish). The most prominent companies leading the market are Syngenta, Bayer-Monsanto, BASF, Corteva and FMC, Dow AgroSciences, Dupont, Rizobacter, and Bioagro, most of which are foreign-owned. The presence of transnational companies in the pesticide market accounts for most of the supply of inputs for cultivating crops.

The impacts of the model at the territorial level are very visible. It is estimated that at least 14 million people in the country have been exposed to fumigation with toxic agrochemicals. Each year, there is an increase in the coverage, production, and use of toxic agrochemicals for cultivation. Not only is the poisoning persistent, but new formulations and combinations of highly toxic substances are gradually being incorporated.

In Colombia, territorial conflicts have also intensified due to the involvement of agro-industrial and mining-energy TNCs; the privatisation processes have created conflicts for people in relation to resource-grabbing and pollution.

Well-known conflicts include those in the Department of La Guajira over open-pit coal mining carried out by TNCs grouped under the name El Cerrejón Limited; in the Bajo Atrato Chocoano sub-region over agrofuels; and in the Department of Valle del Cauca over land-grabbing for agrofuel crops and for the paper industry, involving TNCs such as Smurfit Kappa Cartón Colombia.

III. The growing power of TNCs and national impacts.

The countries included in the assessment share certain features that help identify the growing power of TNCs. The most important features are discussed below.

El Salvador's trade policy is largely determined by its commitments within the Central American Common Market (CACM) and those arising from the Free Trade Agreement between the United States, Central America, and the Dominican Republic (DR-CAFTA).

A few Central American and transnational corporations dominate the market for certified white maize seed. In 2008, the transnational company Monsanto (now Bayer/Monsanto) acquired Guatemala-based Semillas Cristiani Burkard, which for many years controlled a large portion of the private maize seed market in Central America. With this move, Bayer Monsanto holds just over 70% of the private maize seed market in Central America. Processing and marketing/sales of white maize is also highly concentrated among the following companies: MASECA, HARISA, and INDUMASA, which process maize into flour for making tortillas (harina nixtamalizada), and DIANA, which produces snack foods. The four industrial companies purchase local white maize, which then allows them to import maize duty-free (according to DR-CAFTA). For example, for every kilo of local maize that they declare as their intention to purchase, they are entitled to import 4 kilos duty free.

Likewise, the increase and expansion of sugar cane production can be viewed as a consequence of the national commitments made within FTAs like DR-CAFTA and the Association Agreement between Central America and the European Union, which set sugar export quotas that end up benefiting the corporations that control the market. The growth of the sugar cane monoculture and its negative impacts is of

10. Drawn from https://voces.org.sv/ 2019.

great concern to social organisations campaigning against the plantations and the model of territorial occupation and destruction perpetrated by large corporations.

The neoliberal policies implemented in Mexico during President Peña Nieto's administration led to a significant increase in the profits of large agribusiness corporations, to the detriment of peasants and independent producers. According to reports sent to the Mexican Stock Exchange, the earnings of Grupo Gruma (Maseca) went from 702 million Mexican pesos in January-June 2012 to 1.12 billion Mexican pesos in the same period one year later – a growth of 59.2%. Meanwhile, Bachoco's earnings soared 333% from January to June 2013 compared to the same period of 2012, jumping from 316 million Mexican pesos to 1.37 billion Mexican pesos. For its part, Grupo Bimbo's earnings grew by 41.5% in the first half of 2013, compared to the same period of the previous year.[11]

These companies focus on large-scale production and national and international markets, and were able to increase their presence thanks to models of distribution and sales that weaken and eliminate small retailers and independent producers. FEMSA-owned OXXO convenience stores are emblematic of this situation, posing fierce competition to grocery stores around the country. For every OXXO store that opens, at least five shops in the surrounding area are estimated to go bankrupt and shut down. OXXO has the same negative impact on grocery stores as Starbucks has on coffee shops, depriving thousands of families of their income.

In Argentina, hundreds of investigations and multiple legal cases have demonstrated the relationship between the presence of toxic agrochemicals in the environment and their serious consequences on people's health: increases in miscarriages; birth defects; increases in oncological diseases (different types of cancer, lymphomas, leukaemia); respiratory, stomach and skin diseases. The use of these chemicals in food production is also of concern because of the residues that remain in fruits, vegetables, grains, and by-products. A control study by the National Service for Agri-Food Health and Quality (SENASA for its acronym in Spanish) detected the presence of pesticides in 7,869 samples of 48 types of fruits and vegetables. Of the total amount tested, 31% of samples exceeded the maximum limits mandated by the agency, and 7% of the positive samples were found to contain active ingredients banned in the European Union. The ten toxic agrochemicals with the highest presence in food were: Imidacloprid (33 foods), Benomyl (32 foods), Chlorpyrifos (28) Azoxystrobin (25) Lambda Cyhalothrin (24), Tebuconazole (23), Cypermethrin (21), Difenoconazole (21), Bifenthrin (17), Fludioxonil (17). Of the active ingredients in these toxic agrochemicals, 75% are hormone disrupters, 49% are carcinogen, and 20% are cholinesterase inhibitors (neurotoxic properties).

Since the right-wing government took office in Brazil through a coup d'état, it has set out to weaken environmental agencies. Initiatives include Presidential Decree 9.806 of 28 May 2019, which changed the composition of the National Environment Council (CONAMA for its acronym in Portuguese) to restrict the number of seats allocated to civil society and environmentalists. This compromised civil society's ability to participate in, and influence the setting of environmental standards and criteria for permitting TNC's actual or potential polluting activities.

Some of the companies that benefit from the policy of dismantling environmental safeguards, particularly regarding deforestation in the regions of Amazonia and El Cerrado, are: JBS, Cargill, Bunge, Costco, McDonald's, Burger King, Sysco, Gestora, Ahold, Delhaise, Albertsons, Aldi, Arla, Asda, C&S, Danone, Edeka, Food4Less, Kroger, Meijer, Morrisons, Safeway, Sainsbury's, Sam's Club, Save Mart Supermarkets, Target, Vons, Walamart, Yum!, Carrefour, Pilgrim's, Marks & Spencer, Nestlé, Subway, Wegmans, E.Leclerc, and Casino.[12]

Furthermore, extractivist corporations like Vale increased their profits in 2020. According to data from the Ministry of Mines and Energy, the companies made 37.6% more profit during the pandemic, thanks to the designation of mining as an essential activity, while the country recorded the highest death toll in the region due to COVID-19 and the government's denialism towards this tragedy of national and international magnitude.

IV. Women's rights violations.

Across the national assessments, the violation of women's rights appears as a common feature in the policies and regulations that contribute to strengthening the power of transnational corporations. This section looks at the main findings regarding women's rights violations, a trend that is unfortunately widespread and worsening throughout the region.

In Argentina, there is an urgent need for a regulatory framework that addresses and eradicates the gender

11. Suárez, V. 2013. El Campo en tiempos de Peña Nieto. La Jornada del Campo (21 December 2013). https://issuu.com/la_jornada_del_campo/docs/jornada_del_campo_75_web/4
12. Available at: https://stories.mightyearth.org/amazonfires/index.html

inequalities inherent in the current agricultural model. Peasant women are exposed to a double violence: on the one hand, patriarchal violence due to their condition as women, and on the other hand, the violence perpetrated by TNCs in rural areas, causing poisoning, evictions, and dispossession.

To this situation, we must add a third type of violence faced by women who actively decide to defend territory and life. This violence is expressed in the repression against women perpetrated by the State instruments against which they struggle. It is also expressed in the private sphere, where many women are victims of violence perpetrated by people in their close circle; this patriarchal violence intensifies due to their public roles as social and environmental activists, which breaks with what is viewed as their "natural" place within the family and in society.

Peasant women work double or triple shifts, as their daily work in agricultural production is coupled with all the tasks involved in caring for children and the elderly.

Furthermore, women's land tenure is practically non-existent, as is their role in making decisions about production systems and commercialisation, and their participation in training and organisational decision-making spaces.

Some examples of this conflict include sexual violence in the surroundings of plantations or other large-scale exploitations; the imposition of prostitution as "entertainment" for corporate employees; additional work caring for family and community members who are sick due to environmental causes; and difficulties in obtaining direct access to common resources such as water, energy, and food.

Thus, it is essential to advance towards law proposals that recognise and address these inequalities; fundamentally promote peasant women's access to land; provide mechanisms for accompaniment and prevention of violence; and ensure access to rights such as health, education, and formal employment. Because without a peoples' grassroots feminism, there is no food sovereignty.

In Costa Rica, women hold only 8% of agricultural land. Nevertheless, as in the rest of the world, rural women produce about half of the food consumed.[13]

Despite women's central role in food production, agriculture is often seen as a male domain. At agricultural organisation meetings, in supply shops, or at farmers' markets, most of the participants are men. This is not the natural way, but a social construction whereby men belong in the field and women belong in the home, taking care of the men, who do the "hard work".

The reality is that many women carry out all kinds of productive work on family farms, plus additional care work and community activities, constituting a triple burden. This often requires women to stay closer to home to tend to the family's social needs, and these additional demands mean that women are less likely to attend meetings and occupy positions of power in the agricultural fabric. The undervaluing of care work and the fact that it is unpaid is rooted in a colonial past.

Moreover, institutional mechanisms to facilitate women's increased access, tenure, and control over land have been insufficient. Women's achievements in this regard are more a result of the support from women's networks as well as their own strength and tenacity.

The gender gap in land ownership is linked to marriage rules, inheritance norms and practices, State land distribution policies, and the creation of land markets. This situation also limits women's opportunities to develop their own projects or in coordination with other women, as not having property in their own name limits their access to credit or other services.

As women's rights are violated, so too is the right to a healthy and balanced environment under constant threat. In the communities surrounding monoculture plantations, the intense noise from the fumigation planes begins at five o'clock in the morning. The poison is sprayed not only over the fields, but also over community residents. In 2007, for example, the water sources in several communities in Costa Rica's Siquirres district were poisoned by the pineapple plantations, forcing residents to fetch water with buckets and bottles from a tanker truck, a task mainly carried out by women.[14] Women have suffered health problems caused by contaminated water, and are responsible for caring for families made ill by the agrochemicals used by the transnational monoculture companies.

In Costa Rica (as in many other parts of the world), the pollution, the loss of food, and the deterioration of their own and their families' lives, drives women to commit to the struggle for environmental justice, to adopt agroecological practices, and to fight against these models of pollution and oppression.

In El Salvador, women's productive work is generally associated with their role as secondary earners.

13. Suárez, V. 2013. El Campo en tiempos de Peña Nieto. La Jornada del Campo (21 December 2013). https://issuu.com/la_jornada_del_campo/docs/jornada_del_campo_75_web/4
14. www.elpais.cr (2010). AyA oculta información revelada sobre contaminación de agua con agroquímicos. https://kioscosambientales.ucr.ac.cr/noticias/noticias-ambientales/189-aya-oculta-informacion-revelada-sobre-contaminacion-de-agua-con-agroquimicos.html

Although there are women working in the formal sector of the economy, a larger number of women work unpaid in family enterprises, taking care of agricultural tasks deemed as secondary.

There are very few employment opportunities for women in the sector, compared to those offered to men. Wages in the sector are also a problem, as they are not proportional to the cost of living (basic food and services). Although the minimum wage in the agriculture sector has gradually gone up, the increases have been minimal in relation to the real cost of living. The gender wage gap in El Salvador has widened by 12.4 % in the last 12 years, making it the Central American country with the greatest setbacks in providing economic opportunities for women, according to the World Economic Forum's (WEF) latest Global Gender Gap Report.

According to the Multipurpose Household Survey conducted by the General Directorate of Statistics and Census (DIGESTYC for its acronym in Spanish), women accounted for only 10.3% of agricultural landowners in El Salvador in 2018.[15] Many rural women who farm are forced to work on borrowed or rented land. This has a clear impact on household income.

Processes to distribute agricultural land driven by the State since the 1980s have not achieved significant changes in the country's land tenure structure.

Access to land is key for women's economic autonomy. Land is an essential good, it is a means of production that can generate income, and it has use value (as a living space).

In Mexico, there have been a number of changes in agricultural policy claiming to guarantee women's rights. However, the impact of many of these changes has fallen far short of their stated objectives, and have proven insufficient to address the urgency and complexity of the issue. Land tenure is a crucial aspect of agricultural policies. In this sense, the first Ejido Law [which established ejidos as lands farmed individually or collectively, and held communally through traditional systems of land tenure] viewed male-headed households as the norm, and assumed that the right granted to the male head of the family was equivalent to granting the right to the entire household. The Ejido Law was reformed in 1971, and some reports claim that this included provisions that gave women the same land rights as men. However, the reality shows that there was no significant change. In 1984, only 15% of the ejido landholders were women and most of them had inherited their agrarian rights. That is, despite changes to the law, women were seen as a link in passing land from father to son. By 2007, only 24.7% of ejido land was held by women, increasing to 32% as of 2020; this shows lack of significant change in women's land tenure.[16]

The situation reflects the fact that custom in peasant societies does not always regard women as landholders in their own right. This suggests that land dynamics are independent of the constitutional ejido framework, at least as far as women's rights are concerned. Restricted access to land tenure creates limitations for women's participation in political decision-making over their territories, as they have neither voice nor vote in the highest decision-making body, which is the assembly.

Food policies are connected to agricultural policies, and they are both implemented through rural subsidy programmes. The programmes that claim to support peasant women reinforce conventional gender roles and/or increase their workloads. Subsidies are contingent on carrying out certain tasks that are the responsibility of female heads of households, thereby reinforcing the existing division of labour rather than promoting gender equity. Women are taken out of the family unit and are conditioned to the idea that their access to subsidies depends on the performance of tasks such as cleaning educational and public spaces, compulsory participation in family planning lectures, and food preparation for school breakfast programmes, among others.

Migration is another consequence of agricultural policies, as peasants migrate in response to the various factors that threaten the viability of agriculture – such as the fall in commodity prices or the impacts of the FTAs of the 1980s and 1990s. When men migrate, women who remain caring for the home must adapt to changes in all areas of their lives. Becoming entirely responsible for her household, she has to take on more tasks and duties within agricultural production, while having limited decision-making power regarding the family land and limited access to resources for support.

Another aspect is the migration of women. The vegetable agro-industry, mainly in northern Mexico, employs a high percentage of women. They tend to have the lowest wages – often paid by the hour – under temporary conditions, and they are usually paid less than men are, even though they perform the same activity and may have better skills. Women are generally over-represented in the agricultural industry.

Studies conducted in various areas of Mexico show the precariousness and uncertainties that women day labourers face. Their opportunities for work are scarce and often temporary. They are forced to work in highly disadvantageous conditions facing, among other issues, huge workloads; long

15. www.elpais.cr (2010). AyA oculta información revelada sobre contaminación de agua con agroquímicos. http://www.kioscosambientales.ucr.ac.cr/
16. http://www.digestyc.gob.sv/index.php/novedades/avisos/869-ya-se-encuentra-disponible-la-publicacion-ehpm-2018.html

days; low wages; lack of protection for any kind of rights; exposure to pollutants and extreme temperatures; as well as work insecurity, discrimination, and violence. If they are migrants, that places them at higher risk and uncertainty. It must be noted that women's conditions do not change significantly when they live adjacent to the agricultural fields where they work, since they encounter violence at all times – at work, at home, and in the social environment. The discrimination they face is also permanent – as women, indigenous, poor, and working class.

Although most public policies in Ecuador include strategies for "gender equality", "inclusion", and "equity", the gap and structural inequalities that women face in most aspects of their lives remain unchanged. Moreover, although many of the inequalities broadly apply to all women in Ecuador, an intersectional approach reveals that not all women experience the same conditions. There are significant differences based on social class, age, whether they live in rural or urban areas, ethnic identity, possible disabilities, etc.

Distribution of labour is one factor among the differences in condition and the multiple inequalities that women experience; women generally have a much higher workload than men do, but the gap is especially wide in rural areas. While urban women dedicate many more hours to unpaid work than men, the situation among rural women is much worse. Women in rural areas have a lot more work; they are generally responsible for working the family land during the week, producing food or taking care of the animals to feed the family and for direct sales, selling at markets, or bringing to shops. In addition to the productive work, women are also responsible for the reproductive tasks of caring for the home, the children, the elderly, preparing food, administrating the family income, community and organisational tasks, cultural production, etc.

Rural women's work overload is exacerbated by the "feminisation of rural areas" – a phenomenon created by the low income generated from family production, which leads primarily men to work outside the family land as paid labourers, or migrate to cities in search of paid work. As a result, women are regularly left in charge of working the land and being responsible for the production and sales, caring for seeds, providing food, and preparing food for the home – a vital base for family members' reproduction of life.

This crisis has worsened with the COVID-19 pandemic and its impacts on the lives of peasant and indigenous women. While these communities face the absence of the State as guarantor of their rights, women are the ones who have sustained life in rural areas during the pandemic through their care work and community organisation.

In Brazil, the government's position and the changes imposed on gender policies have created a devastating situation. In line with his campaign discourse, among Bolsonaro's first measures was the transformation of the Ministry for Human Rights into the Ministry for Women, the Family, and Human Rights. This change meant the insertion of conservative values around the "traditional family" into human rights policies, and ignited the struggle against the so-called "gender ideology".

Minister Damares has taken efficient measures to combat gender policies, confronting the Federal Psychology Council's position against "gay conversion therapy". Damares also participated in the re-launching of the Parliamentary Front in Defence of Life and Family, which champions proposals such as the Family Statute, the Unborn Child Statute, and Constitutional Reform Proposal number 29/2015, which seeks to modify the right to life to include the right to life from the moment of conception. All of these proposals directly affect women's reproductive and sexual rights, as well as LGBTQI+ rights.

The government's most recent nonsensical act was vetoing access to menstrual pads for students who cannot afford them, a key factor in school dropout. According to the president's office, the veto was due to a lack of budget allocation, when actually the law proposal states that the resources would come from the Unified Health System (Brazil's public healthcare system, SUS for its acronym in Portuguese).

In a recent report, the Institute of Alternative Policies for the Southern Cone (PACS for its acronym in Portuguese)[17] found that many of the TNC-led projects in territories serve to strengthen of the sexual division of labour and lead to a lack of infrastructure; the presence of large groups of male workers; the intensification of women's economic dependence; increase in domestic violence; precarious conditions and pollution; increased reproductive work; and the reproduction of the patriarchal definition of family.

17. QUEIROZ, Ana Luísa; PRAÇA, Marina; BITENCOURT, Yasmin; ALMEIDA, Aulete Maria de; MELO, Cecília Vieira de; BRUSTOLIN; Cíndia; VIEIRA, Flávia do Amaral; BAMBIRRA, Liara; LOURENÇO, Simone Andréa; SILVA, Sislene Costa da. Mulheres atingidas: territórios atravessados por megaprojetos. Rio de Janeiro: PACS, 2021. Available at: http://biblioteca.pacs.org.br/wp-content/uploads/2021/03/MULHERES-ATINGIDAS.pdf

V. Proposals for strategies to confront the power of TNCs.

The ATALC groups that conducted the assessment identified several proposals to confront the power of TNCs. These proposals have commonalities regarding their content, scale, and vision; and we believe they apply for the entire region.

i) *Social organisation and political formation*

The struggle against patriarchy and systemic oppressions

Faced with threats and rights violations perpetrated by large companies in their territories, women are organising themselves, converging with other social movements to take national and international action, and exposing the existing conflicts between capital and the sustainability of life.

In a patriarchal society, women have taken responsibility for rebuilding the social and territorial fabric destroyed by the appropriation and plundering of large corporations for their capital accumulation. For example, women bear the burden of deteriorated water quality and other impacts on the hydrological cycle due to mining and agribusiness activity, while directly and systematically suffering violence from companies and the forces that protect their interests.

Women's resistance against corporate power is built daily, starting from their bodies, their community, their territory. The resistance encompasses a commitment to creating strong unity agendas that incorporate the challenging of patriarchal, racist, and class oppression as a crucial dimension of movements' common struggle.

In this way, women take on key struggles to achieve environmental, social, economic, and gender justice, such as the defence of the commons. These struggles also include a commitment to new social and society-nature relations that reverse the systems of oppression and exploitation, as well as the construction of ecological and just systems of production and peoples' sovereignty that counter the life-threatening logic of capitalist accumulation.

Indigenous Peoples' resistance

The historical resistance of Indigenous Peoples has been vital in the defence of territory and collective rights. Indigenous Peoples are leading the resistance against Bolsonaro's government in Brazil. This government has clearly pushed an anti-indigenous policy while at the same time maintaining a strong connection with agribusiness and mining companies, whose interests it protects, thus enabling invasive and destructive actions on indigenous territories.

One example of resistance is the Yanomami Peoples in the state of Roraima in Northern Brazil. Throughout all of 2021, they confronted numerous invasions aimed at making way for new mining activities. In the current context, not only are the Yanomami deeply affected by the physical violence committed to clear their territory, but they also face the risk of contagion from the pandemic. In recent decades, the Yanomami have organised themselves to demarcate their territory and expel the mining and logging activities. Responding to flagrant violations of Yanomami rights, in May 2021 the president of the Constitutional Court ordered the government to take measures to guarantee the human rights, health, and physical integrity of indigenous people in the territory.

In 2020, the Association of Brazil's Indigenous Peoples (APIB for its acronym in Portuguese) and Amazon Watch published a report exposing the complicity of international financial institutions in the destruction of Indigenous Peoples. BlackRock, Vanguard, JP Morgan, and Bank of America were among the institutions named in the report, criticised for investing in the harmful activities of Vale, Anglo American, Belo Sun, and Cargill.

In a landmark for mass mobilisation and resistance, in April 2021, Indigenous Peoples marched and camped in Brasilia under the banner of Terra Livre (Free Land), denouncing the "Milestone Thesis",[18] demanding more health measures in the pandemic, and demonstrating against mining in Indigenous lands. More than 6,000 people from 117 Indigenous Peoples returned to Brasilia in August 2021 to demonstrate against the "Milestone Thesis". These were the biggest mobilisations of the year, and they succeeded in attracting national and international attention to the violations of their rights.

Building community networks

A key strategy is to continue building and strengthening networks within and across communities, as well as sharing experiences that contribute to building fair and reciprocal social relationships, and to the defence of territories and livelihoods.

Resistance is crucial in the defence of territories and rights, thus it must be strengthened through organising processes, alliance-building, political formation, and popular education.

18. As explained earlier, the "Milestone Thesis" (Marco Temporal in Portuguese), recognises as ancestral lands only those occupied by indigenous communities at the time of the Constitution's entry into force in 1988.

Also identified was the need to reclaim the historical memory regarding the struggle for environmental justice led by communities and peoples, to draw lessons and develop strategies.

It is also important to inspire young peasants and promote their active participation, involving them in building food sovereignty and agroecology, demonstrating how changing the model can contribute to fulfilling their rights.

Unity in struggle is essential, which is why supporting efforts to defend the rights of agricultural workers is also important.

ii) Political formation, dissemination, influencing public opinion

The struggle against the power of TNC and in defence of peoples' rights and their territories requires political formation conducted in convergence with movements that struggle for environmental justice, the feminist movement, the peasant movement, the trade union movement, Indigenous Peoples, and Afro-descendent and *quilombola* communities.

ATALC groups strongly believe in building alliances with organised peoples that struggle to ensure their territories are free from agribusiness and extractivism. Exchanges of experiences, methodologies, and organisational methods between peoples that build and defend territory is strategic in strengthening resistance against the power and activities of TNCs and the resulting rights violations. Also important is advancing in the construction of emancipatory agendas like food sovereignty and community forest management.

Political formation and popular education facilitate the sharing of knowledge and experience acquired in international advocacy to end TNC's political influence and impunity.

To strengthen the struggle against monocultures and the destructive energy system, the ATALC groups identified the need to raise more awareness among the urban population regarding the impacts of these models. This entails disseminating information on how these forms of private appropriation and plundering of territories affect not only the communities and peoples who inhabit them, but also the ecological systems and their functions, thus posing a real threat to nature and the fulfilment of the rights of the population as a whole, including the right to health, water, food, etc.

Materials produced by the communities themselves – audio-visuals, infographics, popular education publications – can enrich dissemination campaigns, helping the public understand community struggles against monocultures and hydroelectric projects, or against large-scale renewable energies.

iii) Demanding public policies and legal actions

Compiling information about the socio-environmental problems that communities and peoples face is an important strategy to support their struggles, as is the critical analysis of the strategies that TNC and governments use, and their impacts on territories and the rights of peoples.

Another way of supporting resistance against the expansion of monoculture, agribusiness, and extractivist projects is to take a public stance and use different tools to demand recognition for the rights of peoples and affected communities; they are the ones who must decide what they want for their territories.

Across the continent, demands for public policies, laws, and regulations that guarantee rights and protect territories are increasingly powerful, especially in a context of deep socio-environmental crisis.

This strengthens the voices calling for the adoption of a UN Binding Treaty that will help put an end to TNC's impunity and ensure justice for peoples and communities affected by the rights violations perpetrated by TNCs. Also gaining strength are demands for policy changes to reverse the destructive impacts of the neoliberal doctrine and the unfair trade relations imposed by FTAs and TNCs. Other demands seek to eliminate the advantages and subsidies that support the destructive production model of agribusiness and extractive industries, which also benefit the corporations leading this model.

Many of the policy proposals being developed call for the recognition of the work and ancestral knowledge of peasants – particularly women – through the approval and implementation of legislation to promote a feminist approach to agroecology and food sovereignty, as well as the defence of peasant seeds. Likewise, the defence of water, watersheds, and aquifers is a central pillar in the formulation of grassroots policy proposals.

In contrast to governments such as that of El Salvador – whose climate change narrative omits the importance of the participation of rural communities, environmental social organisations, and feminist organisations in policy development – organisations fighting for climate justice emphasise the significance of accumulated experience and knowledge about the territories when developing justice-based proposals and responses to the climate crisis.

As Otros Mundos AC /FoE Mexico highlights, political action often focuses on local matters and on processes coordinated through networks for the defence of territory. This favours the construction of proposals that integrate food sovereignty and energy alternatives, in order to confront destructive projects such as mining, monocultures, and hydroelectric dams.

Campaign experiences like *"Sin Maíz no Hay País"* ("There is no country without maize") or *"El campo no aguanta más"* ("The countryside can't take it anymore") demonstrate how coordination between organisations can sustain legal processes that achieve some degree of influence, especially at the local level. In any case, for the Mexican group, advocacy goes beyond demanding public policies and legal frameworks; it includes political formation for journalists and lawyers on topics such as monocultures and the extractive model, human rights, and the defence of land and territory.

The architecture of impunity built for TNCs in Brazil raises the need to develop a local-to-global strategy that seeks to change national legislation while at the same time contributing to the struggle for binding international legal instruments that include the obligation of TNCs to respect human rights. As noted earlier, this analysis reinforces the importance of continuing to push for the approval of a Legally Binding Treaty on Human Rights and Transnational Corporations. The Treaty must meet the demands of social movements: it must be a strong instrument, ambitious in scope, and effective as an international legal framework in guaranteeing an end to the impunity of TNCs and justice for the peoples affected by the violations that corporations have perpetrated.

iv) Food Sovereignty

The struggle for food sovereignty is vital for overturning TNC's control over territories and the food system that creates hunger, destruction, and socio-environmental crises.

The food crises have shown that hunger originates in the imposition of production systems that create huge environmental degradation and the concentration of productive resources. These food production systems are highly dependent on petroleum-based resources, destroy biodiversity, pollute water, and threaten people's health.

In this context, social movements have been developing production systems that are ecological, just, and diverse, and that confront the logic of agribusiness. Policy changes are needed to make these systems viable, and movements have proposed municipal and national policies to guarantee the production, distribution, and consumption of healthy food for all. Social movements have also demanded that these policies recognise the active role of women, and the need to guarantee the fulfilment of their rights to land, water, seeds, and the necessary resources for production.

A crucial element in the fight for food sovereignty is the dismantling of patriarchal oppression, thereby giving rise to new social relations that are based on solidarity and respect, that reverse inequalities and the sexual division of labour, while also guaranteeing women's autonomy.

Another key dimension is the strengthening of the social fabric and the diverse forms of constructing territory and relating with nature. This is why the focus has been on strengthening peasant production and consumption networks, the exchange of products, and the development of local markets, as well strengthening relationships between peasants and the rest of the population to promote exchanges without intermediaries.

v) Agroecology: the path towards food sovereignty

Agroecology uses ancestral practices that respect nature and human beings in order to produce food that is healthy, plentiful, and accessible to the entire population. To this end, its production systems integrate natural cycles, care for the soil, appropriate water management, as well as protecting and fostering biodiversity, while at the same time proposing rural development strategies directed at fulfilling peasants' rights. Agroecology promotes women's participation, as well as visibility and recognition of women's work. This entails breaking not only with a dominant agricultural model, but also with a patriarchal system that oppresses women.

Public policies must redefine and reorient agricultural praxis in order to put food at the centre of life. This entails recognising the economic and cultural value of the work of peasants' work – both men and women – as well as the reproductive work that is essential to life, thus displacing our society's current

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