

Keeping Land Local:

Reclaiming Governance from the Market



Land Struggles
LRAN Briefing Paper Series No. 3
Focus on the Global South

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About LRAN: The Land Research Action Network or *Red de Investigación-Acción sobre la Tierra* is a group of activist researchers working on land, agrarian reform, and resource access issues. LRAN is a response to a gap in research/analysis support for grassroots movements around the world that are engaged in struggles over access to land and other resources. For more information, please visit landaction.org.

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Introduction

Redefining Governance; Challenging Markets

By Shalmali Guttal

Deepening Crises

“We walked from Kampong Chhnang to Phnom Penh to demand our land back, the release of four of our representatives who have been jailed, and that the company stop building a wall on our lands. We are the owners of those lands, but when we demand our rights, we are threatened by the authorities,” recounts Um Sophy, a resident of Lor Peang village in Kampong Tralach district, Kampong Chhnang province, Cambodia.

In the early morning of July 7, 2014, armed military police surrounded her house. The police claimed that they had orders to serve her with a court summons in connection with a land dispute between local residents and KDC International, a private company owned by Chea Kheng, the wife of Mines and Energy Minister Suy Sem. KDC International has seized 182 hectares of farmland across five villages in the area that it claims are within an economic concession granted by the Cambodian Government. Within hours of military police entering the village, workers hired by KDC started building a wall enclosing the disputed farmlands. Protesting villagers were violently dispersed by company thugs using slingshots, large stones and iron chunks. The military police did nothing to stop the company thugs; but they had instructions to shoot at villagers to disperse them and arrest those who destroyed company property.

Local residents—who have lived and farmed in the area since well before KDC showed up—have been

fighting this land grab since 2002. They have tried to reason with the company, filed legal complaints in provincial and national courts, and sent petitions for help to the provincial governor, prime minister and National Assembly. But the courts have not recognized the villagers’ claims to their lands. Instead, those leading the struggle have been branded as “instigators” and threatened with legal action and violence.

On August 12, more than 100 villagers from the affected area walked over 70 kilometers to Phnom Penh to appeal to the National Assembly for justice. Although they were violently intercepted by the police, they were welcomed to the city by Buddhist monks and city residents also fighting for land rights. The National Assembly has since been forced to acknowledge the urgent need to fairly resolve the Lor Peang-KDC conflict and other similar ones, which requires confronting powerful figures in Cambodia’s political and economic landscape.

Over the past two decades, conflicts over land and natural resources have intensified in Cambodia, and they now threaten to turn into violent uprisings. Ruling elites have facilitated a frenzy of land and resource grabbing in both rural and urban areas, creating landlessness, homelessness and destitution on a massive scale. Large tracts of lands continue to be given away by the government to domestic and foreign companies as economic land concessions for industrial agriculture and tree plantations, as well as for mining, tourism and real estate development.¹



Photo by Shalmali Guttal

Deforestation is rampant, driven by agro-industrial plantations and the illegal extraction of high value wood by a domestic “timber mafia” and military operations. Local communities are increasingly alienated from their farmlands, homes and only sources of livelihood through deceit, intimidation and violent evictions.

The situation is no better in neighboring Laos, where timber, hydropower, real estate development and mining are the most common revenue earners for state and government officials. Despite a 2007 moratorium on large-scale concessions for industrial trees, perennial plants and mining, the country’s natural resources, biodiversity and rural populations continue to be threatened by an extractive development model in which the rights of local communities to access, use, manage and control natural resources are tenuous at best. The February 2014 version of the national land policy allows the

Lao Government to expropriate land for both public purposes and private investments. Although a draft of the policy was shared with donors and NGOs for comment, those most likely to have their lands taken away, i.e., local communities, were not consulted. The Lao Hydropower Development Plan includes 72 dams on the country’s rivers, promising the destruction of fragile ecosystems and undermining the livelihoods of hundreds of thousands of people for whom these rivers are lifelines.² Those evicted to make way for plantations, dams or new townships have little access to effective legal recourse and remedy.

In Myanmar, the ceasefire negotiations and move toward democracy have opened the door to a virtual gold rush for foreign investors, posing new threats to the country’s rural populations in the guise of economic development. On March 30, 2012, the Parliament approved the Farmland Law and Vacant, Fallow and Virgin Lands Management

Law, which are designed to encourage large-scale agricultural investment and retain the government's power to revoke the use rights of local communities to farmlands and confiscate lands.³ The laws fail to recognize the tenure rights of farmers and local customary laws governing land. Particularly disadvantaged are ethnic nationalities that practice swidden or shifting cultivation and complex systems of land use and management. Most local communities do not have legal registration papers to prove land ownership, and forced evictions of local populations for foreign investment, as well as arrests of those who resist these incursions, are on the rise.

In their article in this volume, "Standing on Contentious Grounds," Manahan, Cruz and Carranza argue that land grabbing in the Philippines is a combination of long-standing feudal grabs and land accumulation from relatively recent investment opportunities. In "Land Disputes and the Plight of Sea Gypsies in Thailand," Tohming explains how sea gypsy communities in Southern Thailand are being evicted from their ancestral lands because of investments in tourism and, contradictorily, environmental laws that classify many of these lands as protected areas. In both countries, natural disasters such as Super-Typhoon Yolanda/Haiyan and the 2006 tsunami provided new opportunities for private investors to grab the lands of local communities, even as communities were forced to vacate disaster-affected areas for safety reasons.

Market Captures

Across Asia, "development" has become synonymous with large-scale (mostly private) investment, at the heart of which lies the control and exploitation of land, water, nature, minerals, agricultural potential and labor. The dominant development model is market-led and prioritizes rapid economic growth, integration of local and national economies with regional-global markets, trade and investment liberalization, and privatization. Private investment is

sought in virtually every sector of the economy from energy, oil, minerals, agriculture and food processing to education, health, tourism, manufacturing, pharmaceuticals, transportation and urban infrastructure. Developing countries in the Asia-Pacific region continue to be the leading investment destinations for transnational corporations, accounting for 33% of global foreign direct investment inflows in 2012. Foreign direct investment flows into Southeast Asia are expected to increase with the establishment of the ASEAN Economic Community that aims to create a single market for goods, services and labor.⁴

Land, forests and water are being captured and enclosed for a range of purposes: industrial agriculture, tree plantations, hydropower, extractive industry, tourism, physical infrastructure, real estate development, Special Economic Zones and, quite simply, for financial profit through the construction of new markets. Within months, bio-diverse landscapes and ecosystems are transformed into rubber, palm oil or cassava plantations, gated townships or dam reservoirs, amidst which stretches of forest or wetlands may be earmarked as "protected areas" and used to generate "green" revenue streams. Local populations rarely benefit from these changing landscapes and new markets. For the most part, they lose their livelihoods, homes, cultures, identities and access to natural food cupboards; they are forcibly evicted or relocated, and often pushed into precarious, low-paying wage labor.

Much of this investment is national or from within the region, boosted through bilateral aid and regional economic agreements, and often backed by investment capital that is global in nature and more difficult to trace. Development Sociologist Philip McMichael has pointed out that, triggered by the recent food, energy, climate and financial crises, "land has become the object of speculative investment and a hedge against food and fuel supply shortfalls."⁵ Furthermore, the collapse of the derivatives market has prompted a shift of investment capital into speculative ventures in land, food and biofuels. He

writes: “International capital markets gravitated toward agriculture as a relatively safe investment haven for the relatively long-term.”⁶ In “Financial Capital and Land Speculation in Brazil,” Pitta and Mendonça explore how changes in the regulation of financial markets facilitated land speculation in Brazil, resulting in the concentration of capital in agricultural assets, and new cycles of indebtedness.

States participate in and enable these enclosures by claiming eminent domain and public purpose, enacting policies, laws and regulations that favor market transactions, and by using their legal and security apparatus to suppress and punish those who resist. International financial institutions such as the World Bank and Asian Development Bank, bilateral donors and multilateral institutions (including UN technical agencies) support policies, incentives and laws that privilege transnational investors over local and national populations. The realm of the “public,” too, is being oriented toward privatization through public-private partnerships in which public funds are used to underwrite private sector operations in infrastructure development, the provision of essential goods and services, transportation, etc. states, corporations and international institutions are colluding in the financialization of land, crops, water, carbon, soil, minerals, metals, coal, oil and energy, allowing financial markets to penetrate deeper into the real economy. The UNEP’s Green Economy Initiative has devised new ways for investors and finance capital to extract revenue streams from nature through an advanced system of commodification in which ecosystems and biodiversity are valued in monetary terms rather than for the varieties and systems of life they sustain.

The increasing global power of markets and finance capital is shaping land and natural resource governance in dangerous ways. In a global context of continuing food, fuel, climate and financial crises, control over the productive attributes of nature acquires even greater importance than in past eras. The governance structures advocated by international

financial institutions, large-scale investors, financiers and states facilitate what eminent geographer David Harvey has called “accumulation by dispossession,” whereby those with economic and/or political power concentrate land- and nature-based wealth through the systematic dispossession of others by the commodification and privatization of land, water and commons; evictions of local populations; conversion of diverse forms of property rights to exclusive private property rights; suppression (and control over) the rights to the commons; suppression (and destruction) of alternative forms of production and consumption; neocolonial processes of appropriation of assets and natural resources; monetization of exchange and taxation, especially of land, etc.⁷

Failures of Governance

“Economic concessions are supposed to be put on degraded lands, but company owners and rich people hire poor villagers to clear forests and degrade the land so that they can get the timber and ask for concessions to be granted there. If you go into the interior of forested areas, the forests are degraded and gone; people take out logs faster than the forest can be protected. This trend is supported by law and money and very difficult to stop.”

- Kuch Veng of Kralang village in Krakor district,
Pursat province, Cambodia

“Land governance is fundamentally about power and the political economy of land. Who benefits from the current legal, institutional and policy framework for land? ... Who has what influence on the way that decisions about land use are made?”⁸

- David Palmer, Szilard Fricska
and Babette Wehrmann

For hundreds of millions of people around the world, land is much more than an economic asset. Often the sole source of livelihood, land is equally an emblem of

rootedness, identity, belonging and stability and widely considered the very basis of social organization. Land, water, forests and their associated “resources” are the foundations of life, culture, knowledge and collective memory in agrarian societies. Their enclosures through commodification, privatization and market liberalization result in catastrophic dispossession and displacement.

For most policymakers, however, the governance of land and natural resources are technical-administrative enterprises of mapping, defining, classifying, zoning, quantifying and valuing that enable the state to control, allocate and earn revenue from access, tenure and property rights through records, cadastres, titles, rental contracts, taxes, etc. Neutral as they may appear, such actions are exercises of power and authority which carry the potential to entrench or transform the power structures of societies. For example, classifying village and common lands as “unused,” “idle,” or “under-utilized,” and deforested areas “degraded” or “marginal,” provides the state with justification to transfer these lands to investors, dispossessing existing users (generally local peasants and forest communities). On the other hand, recognizing the historical claims of local communities to land, forest and linked ecosystems as legally protected rights can ensure long-term economic, social and environmental stability.

An examination of conflicts between investors and local populations in Cambodia and Laos shows the failure of official governance at multiple levels: a) weak (often absent) legal recognition of local peoples’ rights to land and forest access; b) the state retains authority to redefine and rescind peoples’ rights to their natural environment for whatever purpose it deems appropriate; c) local populations have no legal protection against forced eviction and relocation, encroachment by investors, and against threats, intimidation and violence by security forces protecting investors; d) the judicial system offers no assurance of justice or remedy to affected people; in many

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countries, courts penalize affected people for seeking legal action against wealthy, politically connected actors; and e) government and legal officials are willing to manipulate rules, falsify documents and do the bidding of investors for the right price.

Negotiations for compensation between investors and affected peoples are characterized by huge asymmetries of power that compel affected peoples to accept whatever the investors deem fit to offer. Investors do not pay reparations for injury, loss of life, and destroyed homes and environments. When communities are able to win back their lands or secure adequate compensation, it is because of political support from the public and rare public officials.

For peasants, fisher folk, workers, indigenous peoples, and the rural and urban poor, the recognition of their rights to self determination, their legitimate claims to lands and ecosystems, and their rootedness in and respect for nature, are necessary preconditions to constructing democratic and just land governance systems.

Borras et al. have described three broad tendencies in the transnational governance of large-scale land deals: “(a) regulate to facilitate land deals; (b) regulate to mitigate negative impacts and maximize opportunities; and (c) regulate to stop and rollback land grabbing.”⁹ The World Bank, other international financial institutions, and many policy institutions and NGOs ascribe to the first two, believing that large-scale land transfers or transactions can be “done right” and yield “win-win” solutions for investors, the state and local communities. By making these transactions “transparent,” mitigating negative impacts and integrating local communities into the deals, vast opportunities for revenues, income and economic development can be harnessed by everyone, albeit in different proportions.

In line with the first two tendencies are a growing body of self-regulation frameworks for investors, businesses and states that shift corporate and investor accountability from mandatory to voluntary. Some, such as the UN Guiding Principles on Business and Human Rights¹⁰ and the Voluntary Guidelines on the Responsible Governance of Tenure,¹¹ are firmly located within the UN human rights framework and establish basic standards for the protections of local peoples’ rights to land, natural resources and justice. Others, such as the Roundtable on Sustainable Palm Oil,¹² Roundtable on Responsible Soy Association¹³ and Extractive Industry Transparency Initiative¹⁴ are international “multi-stakeholder” initiatives for setting and monitoring industry standards and encouraging “best practices.” However, they offer no real relief or remedy for people whose lands and forests are taken over by companies in these sectors. Nor do they challenge processes of accumulation and concentration of land and nature-based wealth by corporations and their state allies.

The World Bank is a particularly avid supporter of the so-called “win-win” approach, and has played a leading role in the development of land markets. For several decades, it has provided financing

and “technical assistance” to developing countries for overhauling land tenure administration and transforming traditional, multi-layered, landholding relationships into simplified, individual private property regimes that eased land transactions and enabled wealthy and powerful individuals to use land for financial and speculative gain. More recently, through policy-based lending, the International Financial Corporation and the Foreign Investment Advisory Services, the World Bank has expanded efforts to improve business and investment enabling environments, and provide direct assistance to private investors.¹⁵ In “Banking on Land,” McMichael traces the effects of the World Bank’s policy and governance maneuvers in agriculture, land and agrarian development.

In another article in this volume, “In Your Name: Poor Peasants and The World Bank,” Martins describes the World Bank’s role in promoting a development model linked to international capital, and enforced in many countries by dictatorial regimes or through structural adjustment programs that limit the role of states in regulating capital. The World Bank’s Market-Assisted Land Reform Program, launched in 1995, sought to cement the principles of private property in land governance, ostensibly addressing historical conditions of poverty and inequality through market mechanisms and transactions. The more recent Land Governance Assessment Framework (LGAF) is intended to be a diagnostic tool to assess the status of land governance in countries and accordingly propose policy interventions. In their article, “Why the World Bank is Neither Monitoring, nor Complying with the FAO Guidelines on Responsible Tenure,” Suárez and Brent point out that the principles of market efficiency and productivity underlie most LGAF indicators. For the World Bank, the aim of land governance is to create conditions for rapid economic growth and the free functioning of markets, not to achieve equity, ensure justice, correct historical economic and political inequalities, or enable peoples’ participation in making decisions about land use and management.

Keeping Land Local

Many rural cultures express their relationships to land and water through the concept of “territory,” which connotes the bio-ecological surroundings on which they depend to meet material needs, build culture, spirituality, community, and social, economic and political relationships. Customary or traditional governance of these territories includes the recognition of multiple uses and users, systems to regulate access, use, extraction, production, foraging and harvesting of resources, and responsibility for their destruction, protection and regeneration. While discrete components of territories (such as land, water bodies, fuel wood and forest products) may be regarded as “resources,” their governance is embedded in the governance of the territory or ecosystem as a whole.

For peasants, fisher folk, workers, indigenous peoples, and the rural and urban poor, the recognition of their rights to self determination, their legitimate claims to lands and ecosystems, and their rootedness in and respect for nature, are necessary preconditions to constructing democratic and just land governance systems. While there is a plurality of governance models being proposed, the common elements are: redistributing access to and control over wealth and power; halting and rolling back land and resource grabbing; ending forced evictions and criminalization of rights defenders; de-concentrating land based wealth and political power from the hands of old and new elites; removing land and nature from the control of markets; ensuring timely and effective legal remedy for victims of eviction and rights violations, and; the power and abilities to participate in making decisions about the use and management of the lands and territories that sustain them.

Agrarian reform and land redistribution remain important political demands by peasant movements, but their articulation has expanded to embrace the political and economic changes of the past few

decades, as elaborated by Peter Rosset in “Shifts in Social Movement Thinking” and the synthesis from the Bukit Tinggi meeting also included here, entitled “Towards an Agrarian Revolution.” A unifying thread among the various models of governance emerging from peoples’ struggles for land and territory is a dynamic elaboration of the commons, not as open-access property regimes that enable equal opportunities for exploitation, but as systems of negotiated social and political relationships, obligations and accountability in the governance of collective landscapes. Here, too, there are pluralities, since different ecosystems and territories necessitate different systems of using, sharing, governing and “commoning.”

Although the commons are forms of wealth to be used and shared collectively, their governance cannot be alienated from their location and localness. By presenting threats to forests, farmlands, water, seas, biodiversity, food production, etc., as threats to the “global commons,” their governance could be captured by those with no local obligations and accountability, once again robbing local populations of their rights to make collective decisions about the lands and ecosystems that nurture their lives. To prevent and roll back the commodification, privatization and financialization of land and nature, the governance of land and natural resources must be freed from the clutches of market ideology and mechanisms.

Notes

- 1 For a comprehensive overview of the country's economic and social development, see: <http://opendevdevelopmentcambodia.net>.
- 2 See the website of International Rivers <http://www.internationalrivers.org/campaigns/laos>
- 3 Robert B. Oberndorf, J.D., “Legal Review of Recently Enacted Farmland Law and Vacant, Fallow and Virgin Lands Management Law, Improving the Legal & Policy Frameworks Relating to Land Management in Myanmar,” Food Security Working Group's Land Core Group, November 2012.
- 4 “Asia-Pacific Trade and Investment Report 2013: Turning the tide: Towards inclusive trade and investment,” United Nations Economic and Social Commission for Asia and the Pacific, 2013, p. 29-32.
- 5 Philip McMichael, “Interpreting the Land Grab,” 2011, Transnational Institute and Land Deal Politics Initiative, p. 1. <http://www.tni.org/sites/www.tni.org/files/landgrab%20and%20food%20-%20McMichael%20paper.pdf>
- 6 Ibid. p. 2.
- 7 David Harvey, *The New Imperialism*, London: Oxford University Press, 2003, p. 145.
- 8 David Palmer, Szilard Fricska and Babette Wehrmann, “Towards Improved Land Governance,” Food and Agriculture Organization of the United Nations, September 2009, p. 10.
- 9 Saturnino M. Borras Jr., Jennifer C. Franco and Chunyu Wang (2013) “The Challenge of Global Governance of Land Grabbing: Changing International Agricultural Context and Competing Political Views and Strategies,” *Globalizations* 10:1, February 2013, p. 168.
- 10 For more information, see: https://www.unglobalcompact.org/issues/human_rights/the_un_srsg_and_the_un_global_compact.html
- 11 For more information, see: <http://www.fao.org/nr/tenure/voluntary-guidelines/en/>
- 12 For more information, see: <http://www.rspo.org>
- 13 For more information, see: <http://www.responsible soy.org/?lang=en>
- 14 For more information, see: <http://eiti.org/eiti>
- 15 “Introduction: Global Land Grabs: Investments, risks and dangerous legacies,” Land Research Action Network, *Development* 54:1, February 2011.

Shifts in Social Movement Thinking on Agrarian Reform, Land and Territory: The Case of La Vía Campesina

By Peter M. Rosset

Introduction

Major shifts have taken place over the last two decades in the thinking of rural social movements concerning agrarian reform, land and territory, particularly in the case of La Via Campesina (LVC). This was evidenced in their workshop in Bukit Tinggi, West Sumatera, Indonesia, from July 10 to 13, 2012, on “Agrarian Reform and the Defense of Land and Territory in the 21st Century: The Challenge and Future.”

The world is changing, and so the agrarian struggles of rural social movements and their visions of agrarian reform, land and territory change as well. Their evolution in thinking has come about dialectically, both as a result of transformations in the external world, *and* based on the internal learning and exchange of experiences that take place inside the movements as they interact with each other and with the world.

The Bukit Tinggi event was part of a series of international internal seminars held in 2012 by LVC ahead of its Sixth International Conference in Jakarta, Indonesia, in June of 2013 to celebrate 20 years of agrarian struggle in 70 countries.¹ These seminars served as spaces for collective learning and reflection, analysis of current realities around the world, and the updating of visions, positions and plans of action for key issues of struggle such as agrarian reform, public policy for food sovereignty, agroecology, women and gender, youth, and others.

Bukit Tinggi was organized by LVC’s Global Campaign for Agrarian Reform (GCAR), of which I am a member. In the discussions, it was abundantly clear that social movement visions of agrarian reform today are very different from what they were in the early years of LVC. Some earlier key turning points in the broadening of LVC’s vision of agrarian reform and the defense of land and territory came in 2006 at the “Land, Territory and Dignity” Forum in Porto Alegre, Brazil, and in 2011 at an event on land grabbing in Nyéléni, Mali.²

In order to set the scene for extracting some specific conclusions from these events, as well as from my long-term role as team member of the GCAR and participant-observer, it necessary to briefly review some movement history.

The Evolution of La Via Campesina Since 1992

The idea of LVC emerged at a meeting of farmer leaders from Central America, the Caribbean, Europe, the United States and Canada, held in Managua, Nicaragua, in April of 1992. At that meeting, peasant and family farm leaders identified neoliberal policies being imposed by international financial institutions as conditionality for external negotiations, and the trade liberalization taking place through the GATT negotiations, as forces “bringing farmers to the brink



Photo by Shalmali Guttal

of extinction,” extinction that would be inevitable unless farmers could build unity to fight back across international borders.³

A year later, in Mons, Belgium, peasant leaders from various continents formally founded LVC. They pointed to the productivist model of agriculture and the criminalization of social protest as additional aggravating practices.⁴ This was a time period in the nations of the South marked by the structural adjustment policies that weakened state presence in the countryside, depriving peasants of support prices, technical assistance, subsidized credit and inputs, and other accoutrements of the developmentalist state.⁵

While the GATT soon became the World Trade Organization (WTO), cheap imported food flooded the markets of many countries, undercutting the ability of local peasantries to make a living. These were imports

whose very cheapness was based on ever-lower prices paid to farmers in large agro-export countries, creating the objective basis for joint struggle between peasants in the South and family farmers in the North.⁶

The reformist and revolutionary agrarian reforms of previous decades were being reversed through counter reforms led by the World Bank and its land administration and titling programs. These were designed to create functioning land markets to attract investment to rural areas, inevitably leading to the re-concentration of land. Though the Bank dressed up this privatization of communal and public lands as “market assisted land reform,” in fact the net effects ran contrary to the interests of peasants.⁷

By 1999, LVC was ready to virtually declare war on the WTO in Seattle and to simultaneously target World Bank land policies. That year, LVC created the

Global Campaign for Agrarian Reform (GCAR) with FIAN International as an NGO partner in support of struggles for land and agrarian reform around the world.⁸ Later a third partner, the Land Research Action Network (LRAN),⁹ would be added to the Campaign to provide research and analysis support. GCAR was created to support already existing struggles for agrarian reform, to promote new initiatives of agrarian reform, to carry out international lobby and solidarity work, and to engage in dialog (i.e. with the FAO) and/or protest (i.e. against the World Bank) directed at international institutions concerned with land issues. A further key element was—and is—an emergency network to respond to situations of actual or imminent violations of the humans rights of peasants struggling for land.

One of the earliest acts of the GCAR was to convene the First International Meeting of Landless Peasants in July of 2000 in San Pedro Sula, Honduras.¹⁰ The meeting focused on the dichotomy between “agrarian reform” and the market mechanisms being pushed by the Bank, on agrarian reform as a “state obligation” derived from the Right to Food, and on gender equality both in terms of land rights and the roles of women and men inside the movement.

Later that year LVC held its Third International Conference in Bangalore, where the first detailed analyses were generated of what was meant by *food sovereignty* and by *agrarian reform*.¹¹ LVC analyzed the limited capitalist or bourgeois agrarian reforms of the past, and those carried out by socialist governments, highlighting the limitations of the former and the worst-case situation of those countries that had benefitted from neither. A significant rise in landlessness as a result of a decade of neoliberal policies was observed.

In the Bangalore document, agrarian reform was defined as a “broad process of distribution of land ownership.” Emphasis was placed on individual family plots. In a foreshadowing of what LVC would later call “genuine” or “integral agrarian reform,”¹² the

argument was made that just distributing land would not be enough to ensure the wellbeing of peasant families, and that therefore agrarian reform would have to include major changes in the overall policy environment for peasant agriculture (trade, credit, crop insurance, education, democratic access to water and seeds, etc.).

For the first time, agrarian reform was linked to the construction of food sovereignty, the major new paradigm being launched by LVC at the same Third Conference. Land was to be distributed to produce food for people, rather than exports for the global economy. In strategic terms, land reform was pitched not as an exclusive struggle of peasants, but rather as a solution to many of the larger problems of society.¹³

LVC itself is a space of encounter among different cultures and cosmovisions of the rural world—indigenous and non-indigenous, farmer and farm worker, East and West, North and South. The inherent differences across this diversity have over time over led to confrontation and debate, usually resolved in expanded visions and evolving collective constructions. The encounter with other rural cultures and actors *outside* of LVC has also profoundly affected thinking and visions. Perhaps the most important such encounter took place in March of 2006 in Porto Alegre, Brazil. The “Land, Territory and Dignity” Forum was organized by LVC and other organizations of global civil society in the days immediately preceding the International Conference on Agrarian Reform and Rural Development (ICARRD), hosted by the FAO with the presence of member states.¹⁴

The Porto Alegre process was the first time that LVC really engaged with the non-peasant peer actors who share the rural territories that are contested in struggles for agrarian reform and the defense of land and territory. Of particular note was the encounter of LVC with groups of nomadic pastoralists, fisher folk and indigenous peoples. The collective analysis that was produced included a call to re-envision agrarian

reform from a territorial perspective, such that the distribution of land to peasants would no longer mean a truncation of the rights of pastoralists to seasonal grazing areas, fisher folk to fishing sites and of forest dwellers to forests. Porto Alegre also reflected a persistent emphasis on the obligation of states and the reinvindication of land occupations as a tool of struggle.

Finally, Porto Alegre is significant because on March 8, 2006, thousands of Brazilian peasant women took the first mass action by LVC against land grabbing (ironically before the term “land grabbing” came into common usage to describe large-scale land acquisitions). They destroyed hundreds of thousands of Eucalyptus seedlings being grown in greenhouses by the Aracruz paper pulp corporation for transplant to an ever-growing “green desert” that was placing enormous tracts land out of the reach of landless peasants.¹⁵ By doing so, they established the one of the first major outcries against the human and ecological costs of agribusiness plantations and land grabbing, firmly established the leadership role of peasant women in the defense of land and territory, and sparked a debate about the meaning of “violence” and “non-violence” in the context of social movements.

The World Social Forum in Dakar, Senegal, in 2011, has special importance in the defense of land and territory because of the “Dakar Call Against Land Grabbing” that was issued by many organizations from civil society that were present there, including LVC. While many in LVC feel that land grabbing is not a new phenomenon,¹⁶ there is no doubt that the same flood of financial capital into rural areas that is described by the MST in Brazil is fueling this latest wave of land grabbing, which has rapidly grown to represent one of the most significant contemporary threats to peasants and indigenous people around the world.

In November of 2011, LVC organized the International Conference against Land Grabbing in Nyéléni, Mali.

Not only has agribusiness been newly (re)capitalized, but so have other extractive and/or land grabbing industries, including mining, dam and infrastructure construction, tourism, and others, all putting more and more on peasant and indigenous territories. The new rise of land grabbing and the response by LVC and other social movements are among the significant changes that have taken place during the past 20 years of struggle.

The European Coordination of LVC (ECVC) has highlighted a major new “discovery”: that land grabbing is not just a phenomenon of the South, but in fact is rampant in the North as well.¹⁷ This reflects the earlier conclusion that real estate speculation in Europe and North America, among other land issues, has made access to land a virtual impossibility for youth and other new farmers, so that an agrarian reform is urgently needed in the North in addition to the South.¹⁸

Key Changes in Thinking

The 2012 event in Bukit Tinggi was an opportunity to reflect on these and other changes, and to re-think “agrarian reform for the 21st century” in light of them. In this section, I highlight and summarize some of the key changes in the vision of agrarian reform and the defense of land and territory that have taken place inside of LVC based on documents and my own observations.

The Evolving Object of Struggle

If at the very earliest stages of the agrarian struggles that led to the founding of LVC the object was to just obtain a piece of land, any land, to use as a means of production, that began to rapidly evolve in a number of ways. The bad experiences of getting land but not being able to stay on it, because of low crop prices and a hostile economic environment for peasant agriculture, meant that almost from the very beginning

LVC called for “genuine, integral agrarian reform” in which access to land was to be accompanied by policies and programs supportive of peasant agriculture. From there was a short step to place agrarian reform in the context of food sovereignty.¹⁹

Yet perhaps an even bigger change has been the way in which the movement has increasingly learned to think in terms of territory. The second international meeting of the landless was held by LVC at the second World Social Forum in Porto Alegre in 2002. At that meeting, LVC leaders from indigenous peoples’ organizations challenged LVC and the GCAR to expand their shared vision of agrarian issues to include the indigenous perspective of *territory*, rather than just *land*.

In the words of the veteran agrarian leader Faustino Torrez, who was profoundly affected by that debate: “Territory expresses the identity of a people, it is where the ancestors lived and where they still reside, it means knowledge and ways of knowing (*saberes*), historical memory, and the right of usufruct of the communal resources which properly speaking belong to the Mother Earth.” In fact, many of the movements inside LVC, and not just the indigenous peoples in Latin America, have long had a territorial perspective. The Indonesian peasants described by Indra Lubis and the landless black peasants in southern Africa whose land was seized by European colonists don’t want just any land, they specifically want to recover their ancestral territories, and this has increasingly marked the broadened vision of agrarian struggle inside LVC, which increasingly has begun to think and speak about territory.²⁰

At the “Land, Territory and Dignity” Forum held in Porto Alegre before ICARRD in 2006, this expanded vision was crystallized in the declaration of that event, which speaks about the growing threats to those territories still in the hands of indigenous people and peasants, and thereafter the GCAR was to call for “agrarian reform and the defense of land and territory” instead of just agrarian reform. More recently, the calls

Porto Alegre is significant because on March 8, 2006, thousands of Brazilian peasant women took the first mass action by LVC against land grabbing (ironically before the term “land grabbing” came into common usage to describe large-scale land acquisitions).

by indigenous people inside and outside of LVC for *buena vivir* (“living well” in harmony with each other and the with the Mother Earth) have found resonance in the discourse of LVC.²¹

Land and Territory for What?

The growing concern for the Mother Earth inside LVC, has in turn resonated with a questioning of why we want land and territory and how we use it; in other words, “land for what?” or “territory for what?” While many organizations in the early years of their struggles called for more credit and subsidized agrochemicals and machinery for peasants, that is becoming less true for LVC member organizations.²² Typically agrarian movements that gained land through occupations, and/or land reform from the

state, obtained poor quality, degraded land; land in which soil compaction and degradation are such that chemical fertilizers have little impact on productivity. This is land that can only be restored by agroecological practices to recover soil organic matter, fertility and functional biodiversity. Furthermore, many in the agrarian movements inside LVC, like the MST, began to ask what it means to bring “the model of agribusiness into our own house.” By that they refer to the natural tendency of landless peasants, who had previously been farm workers for agribusiness, to copy the dominant technological model of production once acquiring their own land.

Yet, as Rosset *et al.* wrote, reproducing the industrial agribusiness model on one’s own land also reproduces “the forces of exclusion and the destruction of nature that define the larger conflict.”²³

Thanks to the gradual working out of this logic, and to the hard experiences of trying to compete with agribusiness on their terrain—that of industrial agriculture where who wins the competition is who has access to more capital, which is demonstrably *not* peasants who have recently acquired land—we can say today that, based on LVC’s series of agroecology encounters over the past five years, almost all LVC organizations now promote some mixture of agroecology and traditional peasant agriculture rather than the green revolution. Both the discourse of farming in ways that protect the Mother Earth, and the health of farmers and consumers, along with the practice of recovering traditional farming knowledge and making the transition to agroecological farming, are growing fast in LVC.²⁴

The question of “land and territory for what?” has another answer as well, which is also increasingly common, and that is land and territory for (re) constructing and defending community. Gaining access to one’s own land, and/or diversifying production, make it more possible for youth to stay on the farm, for some family members who had migrated to the city to return and engage in

productive activities, and for reduced patriarchy inside the peasant families as more members of the family engage in productive activities on the farm and gain their own income sources and spaces of decision-making. This reintegration on the land, of the extended peasant family that has been atomized by forced modernization in the countryside, has been documented for land occupations and agrarian reform settlements in Brazil²⁵ and for agroecological diversification away from monoculture in Cuba.²⁶

On the Evolution of Land Occupations or “Land Reform from Below”

A persistent problem with the tactic of land occupations has been the manner in which the media, governments and public opinion fixate on examples of land occupations tainted by corruption, in which the powerful manipulate and often pay the landless to occupy land in order to title it and pass it on the behind-the-scenes patron. This tends to delegitimize land occupations as “invasions,” and can make it difficult for movements to mobilize support for the untainted, “legitimate” land occupations that they engage in.²⁷

Really not until the MST in Brazil raised land occupation to an *art*, or a *science*, with organizationally and ideologically well-prepared occupiers²⁸ did the image of land occupations begin a partial shift, as they were able to eliminate tainted occupations and by preparing people well, ensure much lower rates of land abandonment after the successful creation of land reform settlements.³⁰ The success of the MST has been widely noted inside LVC, and their methodology has diffused across national borders and continents as a result of exchanges of experiences.

Indra Lubis explains the continued centrality of land occupations for LVC.²⁹ This “land reform from below” is essential to give people the “small victories” that are needed to sustain commitment to the larger

struggle. It is also the most effective way to pressure governments to act on land reform laws that otherwise languish without implementation.

Over time the discursive “enemy” of peasants and object of protests has grown, from mostly large landlords to including the World Bank, transnational corporations and finally international financial capital. In Brazil, for example, the land available for land reform and thus suitable for occupation has shifted dramatically in recent years as a result of the recent waves of capitalization of agribusiness.³¹ As unproductive large landholdings have become productive agribusiness export platforms, the argument used historically in the dispute for public opinion has lost its relevance. It no longer makes sense to argue about the essential unfairness of the majority of the land being in the hands of a few “who don’t even use it,” while millions who desperately need land have none at all. Today, the MST increasingly targets occupations at agribusiness, and argues forcefully about the benefits for all of society and for the environment, of peasant agriculture producing food without agrotoxics. They contrast this with the damage wrought by large-scale industrial monoculture for export and agrofuels.³² This is mirrored in the overall evolution of LVC discourse against transnational corporations and financial capital, and toward the benefits of peasant and family farm agriculture for building food sovereignty, growing healthy food, slowing global warming, and taking care of the Mother Earth.

Targeting transnational agribusiness backed by financial capital is raising the ante for LVC member organizations. In the case of Brazil, targeting feudal style landlords brought repression in the form of hired gunmen, corrupt local judges and local police. But targeting transnational corporations increasingly brings private security forces and militarized federal police into play, along with increased juridical criminalization of struggle, and ever more demonization of the struggle in the mass media. LVC organizations around the world are facing this

more intense wave of criminalization, repression and media stigmatization.

Territory for Whom?

LVC has been transformed by the internal and external *diálogo de saberes* with non-peasants who share rural territories, including landless laborers, indigenous people, forest dwellers, nomadic pastoralists, riverine and coastal peoples—particularly artisanal fisher folk—and others. As a result, thinking as evolved from traditional forms of agrarian reform, which, while they meant access to land for peasants, under certain conditions and circumstances also meant enclosure and loss of use rights for the non-sedentary farmer peoples that shared territories prior to “land distribution.”³³ In the renewed vision, agrarian reform must take into account the needs of all of these actors, and should have mechanisms to ensure peaceful coexistence, perhaps modeled on traditional land use and common property resource systems. The challenge of how to do this remains.

A related issue raised at Bukit Tinggi is the need to build alliances on the land issue, not just with other rural peoples, but with the urban poor as well. The financial speculation that drives rural land grabbing also drives urban real estate speculation, which leads to massive evictions of the urban poor. This could be the basis for rural-urban, agricultural-non-agricultural and North-South solidarity and joint struggle for what some might call “land sovereignty,” defined broadly as:

... the right of working peoples to have effective access to, use of, and control over land and the benefits of its use and occupation, where land is understood as resource, territory, and landscape... This embraces struggles by indigenous movements, rural labourers, urban activists and social movements North and South who have sometimes been excluded by traditional land reform campaigns.³⁴

While the issues of women and land rights, and women as leaders in the struggle for land and the defense of territory, have been in the LVC since the earliest declarations, it was at the International Seminar on “Agrarian Reform and Gender” hosted in 2003 in Cochabamba, Bolivia, by LVC and GCAR, that women and men peasant leaders from 24 countries had the opportunity to debate these issues and engage in the collective construction of visions and processes. Discrimination against women in past agrarian reform processes was discussed in depth, and the pernicious presence of patriarchy inside social movements for agrarian reform was hotly contested. Since then these have central issues inside LVC and at events such as at the Fifth International Conference in Maputo, Mozambique, in 2008.

The challenge has been to move from the discursive commitment to equality in the struggle to the material reality of equality. Nevertheless, the vision of women

inside LVC has significantly marked the internal debate over land titling.

Individual Versus Communal Property

The debate over titling has historically been driven inside LVC by indigenous people and by women. It has also been informed by the positive legacy of certain forms of communal land tenure created by earlier agrarian reforms (i.e. the *ejido* system in Mexico). To simplify: early on, the goal of the many of agrarian struggles that today are part of LVC was to get a piece of land with a piece of paper (title), typically in the name of the male head of household. This was backed by agrarian legislation in many countries, which only demanded the name of the man.³⁵ Women inside and outside of LVC began to clamor for equal rights to property ownership. Yet this coincided with the World Bank neoliberal drive to privatize and parcelize land in fungible titles, and soon the whole question of private land titles was problematized in LVC, coming to a head in Cochabamba in 2003.

The debate that took place there was described by Monsalve Suárez who writes that some participants said reforms bolstering women’s right to land were questionable for their neoliberal character, favoring individual property rights. This issue has been raised and debated especially in sub-Saharan Africa and among indigenous groups in Latin America, Suárez notes. She writes:

The participants in the Cochabamba seminar advocated communal forms of land tenancy, and it remained clear that this did not exclude also advocating women’s individual right to land, as a personal right and under conditions equal with men. The question now, therefore, is how to strengthen women’s rights to land in different systems of land tenancy, and not only as individual private property.³⁶

The challenge has been to move from the discursive commitment to equality in the struggle to the material reality of equality. Nevertheless, the vision of women inside LVC has significantly marked the internal debate over land titling.

These and similar debates over time led to a more common emphasis in LVC on demanding collective titles. Yet the issue remains more open than ever, both in terms of whether women are better served by individual legal title (thus legitimating land privatization in the eyes of many), or by defending common property regimes and/or demanding collective titles (and having to battle patriarchy at the community and household level). There is also the question of what is best in terms of collective defense against land grabbing. Monsalve Suárez concluded in 2006 that “communal property, in its diverse modalities considered in the law, could become an important tool in stopping neoliberal purposes. If it is intelligently taken advantage of by peasant and indigenous organizations, it can be an instrument for counteracting the expansion of the new *latifundio* and, more broadly, the land market.”³⁷

This was reflected in the debate in Bukit Tinggi in 2012. As the participants repeated many of the earlier debates on land titling, from demanding individual titles in the name of the man, to demanding the same in the name of the women or of both the man and the woman, to demanding collective titles, an African woman delegate spoke of how legal community land titles actually facilitate land grabbing. “With a community title,” she said, giving specific examples, “all it takes, all too often, is just getting the [male] leader drunk, so that he signs a long-term concession that leads to the eviction of hundreds of families from their ancestral lands.”

While a number of delegates pointed out that it would be less of a problem with *women* leaders, another delegate observed that in many countries there are now local intermediary businesses who consolidate individual land titles into large blocks that can be signed over in bulk to investors.³⁸

“Foreign corporations don’t want to haggle with thousands of individual peasants,” said another delegate, “they prefer territorial communal titles so they can get access to the whole thing with a single negotiation.” The center of the debate shifted to the

problematic nature of any sort of legal title, unless it explicitly prohibits sales, rentals, leases and concessions. The participants finally could agree that the key most likely lies in building some form of self-determination and autonomous control over territories, but how to do so in different contexts remains an open topic of debate.

Establishing New Rights

Since its founding, an important part of the struggle of LVC has revolved around claiming new rights. When LVC put forth *food sovereignty* as a superior concept to *food security*, they were moving beyond the “right to food” and claiming a right of rural peoples to produce, thus implying state obligations to protect markets and implement agrarian reform in order to assure that right.³⁹ Similarly, the GCAR has claimed a “right to land” as derivative of the “right to food” and the “right to feed oneself”⁴⁰

The adoption in 2007 of the UN Declaration on the Rights of Indigenous Peoples convinced LVC to try to get a broader definition of peasants’ rights from the UN system. In 2008, on the 60th anniversary of the Universal Declaration of Human Rights, LVC held the First International Conference on Peasants’ Rights, in Jakarta, Indonesia. The declaration from that conference calls for an international convention on peasants’ rights.⁴¹

Since then, LVC drafted a proposed text, helped by sympathetic UN officials,⁴² and lobbied hard at various levels.⁴³ On September 27, 2012, the UN Human Rights Council adopted Resolution A/HRC/21/L23, in which it commits to establish an intergovernmental working group with the mandate of negotiating, finalizing and submitting to the Human Rights Council a draft UN declaration on the rights of peasants and other people working in rural areas. LVC hailed this as a small but important victory on the road toward full recognition of the rights of peasants, including their right to land and territory.

Also in 2012, the Committee on World Food Security (CFS) of the FAO completed the intergovernmental negotiations of the Voluntary Guidelines on the Tenure of Land, Fisheries and Forests in the Context of National Food Security. This was the product of a remarkably participatory process under the Civil Society Mechanism of FAO,⁴⁴ although the result represented significant compromises with non-social movement actors (transnational corporations and governments). The completion of this process is seen as a step toward better protection of the right to food and access to natural resources, but LVC and allies cautioned that “there’s still a long road ahead before peoples’ rights to land, fisheries and forests are fully recognized and respected.”⁴⁵ The most glaring deficiency in the Guidelines is expressed in the word “voluntary.” At Bukit Tinggi, participants agreed to always omit that word, simply referring to them as “the Tenure Guidelines,” or “TG,” as “we have nothing to gain from the voluntary part; we will fight for compliance as if they were mandatory.”⁴⁶

The peasants’ rights issue, and the guidelines, can be seen in two ways. The first way is in view of the fact that member organizations of LVC are always hungry for additional international commitments to wield against their governments in the public opinion debates surrounding peasant struggles. LVC responds to this collective internal demand by working towards additional instruments at the international level. The second way to interpret this institutional engagement is in the light of the discussion by Martínez-Torres and Rosset⁴⁷ concerning the differentiated engagement that LVC has or does not have with different multilateral institutions. These are divided between those for whom there is “no hope” from a peasant perspective, and to whom LVC will only show resolute opposition, protest and denunciation (WTO, IMF, World Bank), and those, generally in the UN system, who at least in theory might have some democratic aspects, with whom LVC will engage in dialog, though on its own terms (FAO, Human Rights Council, etc.).

Multiple Crises and the “Green Economy”

LVC sees the present historical period as marked by multiple crises of the capitalist system. These include the financial, food, climate, energy and social crises.⁴⁸ While LVC argues that food sovereignty based on integral agrarian reform and agroecological peasant agriculture offers the clearest solutions for “cooling the planet” and resolving the food and social crises,⁴⁹ the continual tendency of capitalism to reinvent itself through its periodic crises means that it continually develops new threats to peasants and indigenous peoples.

This can be seen in the new drive for the euphemistically named “Green Economy” and the concomitant financialization of Nature. LVC denounces various elements of the Green Economy as “false solutions” to the crises. These include agrofuels, payment for environmental services, carbon credits, so-called Reduction of Emissions from Deforestation and Forest Degradation (REDD) and REDD+, ecotourism, etc., all of which can generate “green grabbing.” Green grabbing is nothing more than land grabbing for agrofuels, to cash in on carbon credits, for so-called ecotourism, etc.⁵⁰ In its participation in the COP process (climate summits) and the Rio+20 summit, LVC has focused on making the distinction between real and false solutions to the crises,⁵¹ using this as an argument for agrarian reform and the defense of land and territory in the context of food sovereignty.

Conclusions

The past 20 years of agrarian struggle in a changing world have led to evolution in the thinking and vision of movements such as LVC, who are engaged in struggles for land and territory. The world is different, with new waves of financial capitalization of agribusiness and extractive industries, that drive renewed land grabbing, with the successes and

failures of “land reform from above” and “from below,” with the contemporary crises of the capitalist system and the financialization of nature, etc.

Movements have responded to these changes with new ideas, strategies and tactics, and they have also evolved in response to internal dynamics and *diálogos de saberes* concerning gender, indigenous cosmovision and concern for the Mother Earth, etc.⁵² At the same time they have been profoundly affected by encounter and dialog with non-peasant peoples, moving from a narrow focus on land to an expanded vision of territory. A constant in the struggle has been the use of land occupations as a tactic, though the framing discourse to defend this practice in eyes of public opinion has shifted, with an ever-greater emphasis on food sovereignty, healthy food and protection of the Mother Earth as arguments in favor of agrarian reform.

Some debates have been opened yet not resolved; key among these is the issue of land titling, where the concerns of women, indigenous people, other rural peoples and the rising threat of land grabbing all demand ever more innovation, cooperation and creativity from the movements. Of one thing we can be certain: over the next 20 years of struggle, we will continue to witness the evolution of movement thinking and visions concerning land and territory.

Notes

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- 13 Rosset, “Moving Forward: Agrarian Reform as a Part of Food Sovereignty,” in *Promised Land*, 2006.
- 14 For LVC, the mere fact that FAO organized the ICARRD conference was a victory and a testimony to the impact of the struggle for agrarian reform. It was also considered a victory that the official declaration of ICARRD recognized the continued need for agrarian reform. See: Borras, “La Vía Campesina and its Global Campaign for Agrarian Reform,” in Borras, M. Edelman, and C. Kay, eds., *Transnational Agrarian Movements Confronting Globalization*, Chichester: Wiley-Blackwell, 2009.
- 15 See <http://viacampesina.org/en/index.php/main-issues-mainmenu-27/biodiversity-and-genetic-resources-mainmenu-37/100-la-via-campesina-women-occupy-a-farm-in-south-brazil>
- 16 See Indra Lubis’ testimony in Rosset, “Re-thinking Agrarian Reform, Land and Territory in La Vía Campesina,” *Journal of Peasant Studies* 40:4, 2013. Available at: <http://www.tandfonline.com/doi/full/10.1080/03066150.2013.826654>
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- 18 Sindicato de Obreros del Campo and Via Campesina, *Reforma agraria en Europa*, Almería: Sindicato de Obreros del Campo, 2010.
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- 29 Fernandes, *A formação do MST no Brasil*, 2000.
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- 52 Martínez-Torres and Rosset, "*Diálogo de saberes* in La Vía Campesina: Food Sovereignty and Agroecology," *Journal of Peasant Studies*, 41:1, 2014.

In Your Name: Poor Peasants and the World Bank

By Mônica Dias Martins

Longing to attend the needs of capitalism in an international labor market shaped more and more by immigrants whose rights are violated, the World Bank took it upon itself to define the concept of poverty. This concept has changed over time and, since 2005, is recognized as related to the issue of human rights.¹ Fighting poverty became a symbolic goal in remote corners of the planet, and it acquired the authority of an obligatory reference point for governments as well as civil society organizations.

To better understand World Bank twists and turns, let's go back to 1973, when Robert McNamara proclaimed a "war on poverty" before a meeting in Nairobi of the boards of directors of the International Bank of Reconstruction and Development (IBRD) and International Monetary Fund (IMF). For McNamara, poverty threatened the international economic order. The idea that the security of a country depended on its development became its ruling mission, promoted together with member governments, especially in South East Asia and Latin America, destabilized by successive armed rebellions and military takeovers. At the time, the security-development binomial entered into the discourse of Latin American generals involved in political repression.

McNamara put these proposals into practice during his two and a half terms as president of the World Bank (1968-1981). The Bank furnished huge loans for modernization. What distinguished McNamara's administration from previous ones were its programs for rural smallholders, considered potential revolutionaries in the perspective of the national security doctrine. Damaged by the victory of the

Vietnamese peasant militia, the United States worried about containing social tensions in the countryside, the desired objective of the Bank's rural development policy. This demonstrated the strong link between US military strategies and the policies of the multilateral agency.

The World Bank's integrated rural programs were introduced in the so-called "Third World" in alliance with national governments and elites in order to maintain social order. In the mid-1970s, the Bank conceived of rural development as the application of new productive and management technologies as well as the construction of schools, health posts and roads to increase smallholders' incomes. In its optic, they would feel pacified and no longer rebel against the institutions and structures that limited their chances of a better life. Case studies in Tanzania, Colombia, Mexico and Bangladesh show that rural struggles continued in spite of the Bank's deliberate attempt to ignore the issues of politics and social inequities.²

Capitalist expansion in the agricultural sector, euphemistically known as the "green revolution," was revealed in the World Bank's earliest intervention in Colombia, one of its best clients and the oldest South American formal democracy, where a bloody civil war has been occurring for more than five decades. In the 1950s, Lauchlin Currie, an US economic adviser, led a mission to Colombia that recommended encouraging the migration of small producers and the formation of a modern agriculture system. The major impediment to the country's growth would be the excessive number of peasants, and the means of



Photo by Douglas Mansur

reducing them was to expel people toward cities as a result of a shock. War was just one such shock, and could accelerate demographic mobility. Such premises guided successive Colombian governments.

In the case of Brazil, the intimacy between the Bank and the military regime came from a common obsession with a development model linked to international capital. At the same time as they arrested, tortured and killed opposition leaders, the Brazilian dictators followed World Bank formulas and counted on its support for various activities designed to integrate rural workers into the market and extend social security benefits to their families. This strategy was designed to contain the growth of the armed struggle in the interior of the country. The military pushed the expansion of productive activities and the opening of the Amazon, an area already considered of “national interest” and a target of great powers’ ambitions.

But the world changed! And so did the Bank. The Washington Consensus (as described by John Williamson in 1989) guided the re-structuring of Latin American States, following the prescriptions of the US Treasury and the international financial institutions. It was premised upon the neoliberal dictate that only the market is able to regulate the relations between capital and labor. The fact was that free enterprise benefited the high-technology sectors of the US economy subsidized by the government and, for the most part, integral to the military-industrial complex.

In the World Bank, a new generation of neoliberal economists gained importance alongside the Structural Adjustment Program and the Market-Assisted Land Reform Program. They were concerned with limiting state influence over the economy. At the same time, they were dressed up as supposedly democratic and participatory initiatives but were deliberated *from above and from the outside*.

The end of military dictatorships in Latin America, which was almost simultaneous with the beginning of structural reforms, stirred up anti-state segments among the national bourgeoisie and intellectuals. For its part, the World Bank proposed major benefits to the private sector, expanding the role of both affiliate members: the International Finance Corporation (created in 1956) and the Multilateral Investment Guarantee Agency (1988). Moreover, the Bank stimulated cooperation between its officers and civil society experts. Equally central to the efforts to involve civil society in state reform was the inclusion of themes such as land reform, the environment, and racial and gender discrimination in its political agenda.

However, the most efficient World Bank policy instrument for introducing profound macroeconomic change was the Structural Adjustment Program, a package of liberalization and privatization procedures implemented in the 1990s. Many social victories obtained through decades of popular struggle began to collapse with the restructuring of the productive process, which required undermining legal rights. As a result, the already precarious situations of large segments of the population worsened in countries as diverse as Argentina, Brazil, Ecuador, Mexico, Russia, Korea, Indonesia and Thailand.

Not for nothing, the 1990 World Development Report was dedicated to poverty. The Bank offered a recipe for growth, the principal ingredient of which was increasing the exploitation of poor people's labor. So, for this to happen, market incentives, political and social institutions, infrastructure and technology should be adapted to the mandate of reducing poverty. The success of this undertaking would depend not only on international aid but, above all, on the willingness of governments receiving assistance to follow World Bank prescriptions.

To diminish the negative impact of structural adjustment measures on the most vulnerable populations in developing nations, the Bank

recommended so-called compensatory or complementary policies. These investments in education, health, sanitation, nutrition, and rural development aimed at protecting the poor and alleviating tensions due to reduced public spending acquired relevance in the years of economic adjustment.

The Market-Assisted Land Reform Program began in 1995, and it exemplified the type of help proposed by the Bank. It was intended to propagate neoliberal principles to the vast world of rural workers and to stimulate expectations for poverty reduction and rural pacification. The idea was that the market should resolve problems of land concentration inherited, in large part, from the colonial period. Meanwhile, free bargaining in the buying and selling of latifundios (large landholdings) without state interference or pressure from social movements was seen as the way to secure private property rights, resolve the chaotic agrarian scene, expand the supply of land, and inhibit the bureaucracy and paternalism of government bodies. In brief, World Bank policy was described as "modern" while its opponents were deemed "traditional."³

The notion of private property was to be introduced through the subdivision of land into individual plots in areas that previously had a complex tenure system and communal management of land, water and forests. These systems are inseparable from the logic of peasant production and indigenous traditions and have been recognized by the 1957 Indigenous and Tribal Populations Convention under the International Labor Organization. The social order defended by market forces is considered unjust by rural poor peoples, for it threatened their ancestral practices and beliefs. Uprooted from their birthplaces and lacking other forms of livelihood, they have organized to occupy lands, demanded the return of the agrarian question to the political agenda, unified national struggles and created an international resistance network called Via Campesina, one of whose priorities is food sovereignty.⁴

In their battle against the unilateral opening up of agriculture to the global market and the privatization of public farm service agencies, peasants' grassroots movements challenged those who wanted to see the state discharged from its constitutional obligations. Now, rural laborers demanded equal rights, recognized symbols of nationality, and finally understood themselves citizens of the community that characterized the nation.

The experience of nation-state building has defined an ambiguous role for rural societies. Even though

they are systematically treated as resisters of modernity, their culture is an indispensable element in the clichés surrounding nationalistic declarations. Based on an idealized rural life, the peasant has been seen as an authentic guardian of the *original* characteristics of a people; its traditions, values and customs. Although the countryside is usually depreciated by the urban industrial society, this same society needs it not only as a cultural reference, but also as a source of goods and services. The rural world provides food, raw materials, workers and soldiers that guarantee the security of cities and the instruments of state force.

Peasants and indigenous peoples have often been the big losers when infrastructure and agro-industrial projects financed by the Bank, governments and private companies displace them from their lands and destroy their livelihoods and resources while introducing technologies that replace their own.

Peasants and indigenous peoples have often been the big losers when infrastructure and agro-industrial projects financed by the Bank, governments and private companies displace them from their lands and destroy their livelihoods and resources while introducing technologies that replace their own. In this ongoing process, the countries and regions involved lose out, and so does the planet.

Social movements opposing the World Bank's approach to agribusiness and its funding for agribusiness initiatives created the expression "global land grab" to describe the dynamics of large-scale land transactions carried out by transnational corporations and governments. This current trend has become a key issue in the aftermath of the food and financial crises of 2007-2008. Although ownership of huge areas of land by foreigners is not a new phenomenon, what is new is the scale and intensity of the process. As the scramble for land is broader than the purchase or lease of farmland for food and fuel, it involves a great number of different actors with a variety of purposes such as tourism, nature conservation, urban expansion, and more.

In January of 2010, the World Bank presented a set of "Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources" to legitimize land grabs, making them less threatening to the rights of existing landowners

while increasing productivity and welfare in line with its own strategies for development. The UN Food and Agriculture Organization (FAO), the International Fund for Agricultural Development (IFAD) and the UN Conference on Trade and Development (UNCTAD) have agreed to promote these principles.

What is to be done regarding the multiple challenges presented by growing poverty and social inequality in our countries? After decades of experiments with free-market policies, it seems quite clear now that the Market-Assisted Land Reform Program and its agricultural model based in the use of intensive technologies, is not a solution, but rather, part of the problem affecting the majority of the world's population and resources.

On the other hand, Via Campesina has been coordinating worldwide experiences of agrarian reform by rural communities, settlements and movements, showing that agricultural cooperation, agro ecological practices, collective work and communal infrastructure can be more effective in terms of improving peasants' lives and protecting nature. For the defenders of these experiences,

land is a common good and land rights are assured by work, regardless of the existence of a legal title of property. Consequently, the real landowners are the peasants. Perhaps this awareness can be used to confront the World Bank's patterns of rural development and hopefully make it stop speaking in the name of the rural poor.

Notes

- 1 See World Bank publications: *Protecting the poor during periods of adjustment* (1988); *World Development Report 1990: poverty* (1990); *Our dream: a world free of poverty* (2000); *Land policies for growth and poverty reduction* (2003); *Poor people's knowledge: promoting intellectual property in development countries* (2004); *World Development Report 2004: making service work for poor people* (2004); *Power, rights and poverty: concepts and connections* (2005).
- 2 Rosemary Galli. *The Political Economy of Rural Development*. Albany: State University of New York, 1981.
- 3 Mônica Dias Martins, ed. *O Banco Mundial e a terra. Ofensiva e resistência na América Latina, Ásia e África*. São Paulo: Viramundo, 2004.
- 4 See Peter Rosset, Raj Patel and Michael Courville, eds *Promised Land: Competing Visions of Agrarian Reform*. Oakland: Food First Books, 2006.

Standing on Contentious Grounds: Land Grabbing, Philippine Style

By Mary Ann Manahan, Jerik Cruz and Danilo Carranza

The term land grabbing, as it is typically used today, “primarily refers to large-scale land acquisitions following the 2007-2008 world food price crisis. Obtaining water resources is usually critical to the acquisitions, so it has led to an associated trend of water grabbing.”¹ In other words, it is understood to involve the illegitimate acquisition of lands and associated resources like water, minerals or forests from rural smallholders such as farmers, fisher folk and indigenous peoples. While these definitions of land grabbing have been widely adopted, discussions about land grabbing among the international community have almost always been framed around the themes of economic investment, human rights, and governance.

At the core of these themes are issues of control—of who decides on the use, wealth and benefits of these resources, and at whose expense. Land grabbing is therefore an inherently political act, since it revolves around the power to decide how land-related resources will be used, both in the present and the future, and who will benefit from their use.

In the Philippines, in the midst of an agrarian reform program in crisis, many landless and land-dependent rural poor communities in the country face the specter of forcible evictions, dispossession, displacement and hunger as consequences of systematic land grabbing by landlords and foreign and local corporations and investors. Land grabbing has emerged as one of the most pressing social justice issues affecting the Philippine countryside. But while land grabbing in the

Philippines is hardly new, the ongoing wave of land grabs endangering the rights of rural communities across the country involves certain features that distinguish it from large-scale land seizures in the past.

Land Re-concentration and Re-consolidation

According to a frequently cited World Bank report from 2010, the Philippines was the second biggest destination in the Asia-Pacific for large-scale land acquisitions, with the Philippine government earmarking 3.1 million hectares of lands for such investments by multinational companies and foreign governments.² This is a clear indication of the government’s aggressive investment policy on land and land-related resources. Yet even as the worst-case scenario for such “global land grabbing” has not materialized in the Philippines, land grabbing in the country has escalated over the past six years in other guises. These other forms of land grabbing involve old and new types of feudal land grabs and land accumulation for real estate development, tourism, special economic zones, mining, dams, industrial agriculture, and new investments in “clean” energy. These types of “investments” put a lot of pressure on thousands of rural poor who are dependent on land and water for food and livelihoods. The weak enforcement of pro-poor land policies such as the Comprehensive Agrarian Reform Program (CARP), the Indigenous People’s Rights Act, and the Community-



Photo by Astrud Beringer

Based Forest Management Program have reinforced and encouraged land grabbing. This is further aggravated by the government's failure to protect the most basic rights of affected communities who are arbitrarily being driven out of the lands they till, as with recent policy pronouncements to clear lands in the name of "safety" from climate change-induced disasters such as Super Typhoon Haiyan/Yolanda.

Special Economic Zones and Tourism

The apparent systematic wave of land grabbing can be illustrated by several forms and cases. The momentum for real estate, tourism, and special economic zone-related land grabbing owes both to long-standing efforts among land-based elites to evade the implementation of the 26-year-old Comprehensive Agrarian Reform Program on their lands through

land-use conversions (both legal or illegal), as well as desires to cash-in on the latest Philippine property market boom (since 2010). From that year onward, key economic sectors associated with the property boom—particularly real estate, construction and financial intermediation—have outpaced the Philippines' national growth rates, reflecting highly intensified economic activity in these sectors.

Among the most prominent cases involved in this form of land grabs is the 12,923-hectare Aurora Pacific Economic Zone and Freeport Authority (APECO) in Casiguran, Aurora, located more than 300 kilometers from the Philippine capital. Pushed by one of the most influential political dynasties, the Angara family, the special economic zone was created by a law and supported by formal-institutional framework of the government. The Angaras hold government posts within the national legislature and local government units, which essentially allowed

them not only to determine land use and zoning, but more importantly, to receive significant economic rents and benefits from the project at the expense of smallholder residents and tenants including indigenous peoples, fisher folk and farmers.

Two more examples are the eco-tourism redevelopment of the 1,160-hectare Sicogon Island in Iloilo by the Sicogon Island Development Corporation (SIDECO) and Ayala Land; and the “transformation” of 1,125 hectares of agricultural and ancestral lands in Hacienda Dolores in Porac, Pampanga, into “Alvierra: The Next Nuvali,” a real estate project by Ayala Land.

In Sicogon, an island composed of three barangays in Carles, Iloilo, more than 1,500 farmer- fishers have been subjected to various forms of intimidation by the hired private blue guards of SIDECO to forcibly evict residents from the island under the guise of eco-tourism. The island lies at the heart of the Visayan Sea and is the richest fishing ground in Central Visayas. The local landed Sarroza clan, which owns SIDECO, was able to secure questionable “titles” to part of the 1,020-hectare island despite it having being classified as public land. On the other hand, certain portions of the land—about 300 hectares—are already up for land distribution and are the subject of much contestation. Meanwhile, the destruction wrought by Super Typhoon Haiyan/Yolanda made the process of dispossession a lot easier for the corporation, as residents have been barred from re-establishing the houses that were destroyed by the typhoon.

In Porac, Pampanga, an indigenous group and farmers have been threatened by the private corporation known as FL Properties and Management Corporation/LLL Holdings, and more recently, by Ayala Land. They claim more or less 770 hectares of land whose title encroached on portions of the ancestral domain. It was exempted from agrarian reform in 2006, despite being an agricultural area used for planting rice, fruits, and root crops. For

years, the residents, farmers and indigenous peoples of Hacienda Dolores have experienced systematic harassment and violations of their human rights. This abuse has ranged from verbal threats, physical attacks and intimidation to criminalization, forcible eviction, and the destruction of crops and other property, as well as killings and enclosure of the land. More than 200 farmers were refused entry into the lands they have tilled for years and about 1,000 residents witnessed the unjust and illegal demolition of their homes.

A similar story is found in Bataan. Long time farmer-residents of the village of Sumalo in Hermosa were surprised to learn that the Litton family held the title for the 213-hectare land that they had been cultivating for decades. The Littons of the wealthy Forbes Park community were able to get a conversion order from the Department of Agrarian Reform, which ironically is the country’s main agency mandated to implement the agrarian reform program. This order has been used to justify the enclosure of farmland and arbitrary demolition of the houses of farmers who are leading the campaign to reclaim their lands. A total of 1,500 families are affected by the possible conversion of the land, which is being undertaken through a corporation named Riverforest Development Corporation.

Resource Extraction and Infrastructure

Mining and mega-dam projects continue to pose major hazards to farming and indigenous communities, both through the direct acquisition of lands which are inhabited by such communities without first securing their Free, Prior and Informed Consent (FPIC), and through their extensive negative effects on the overall rural environment existing downstream from the project sites.

The Mining Act of 1995, which liberalized the mining industry, introduced aggressive minerals development across the country and loosened long-standing

Despite population growth in the Philippines, it is assumed by such policy positions that there are still significant stretches of lands that are unpopulated and unused by smallholders, and that the continuing problem of rural poverty and hunger simply owes to a lack of investment by the commercial sector.

restrictions. In a prime example, it allowed for 100 percent foreign ownership of mining properties of up to 81,000 hectares of land for up to 50 years and auxiliary entitlements of water, timber and easement rights. Official government data shows that mining permits increased in the last 10 years. These include the Minerals Production and Sharing Agreement, an agreement between the Philippine government and

a mining company to utilize and develop commercial mines for 25 years and renewable for the same period. Another mechanism is the Exploration Permit, which is granted to a mining company for two years, renewable for four years for non-metallic and six years for metallic.³ Since the passage of the Mining Act, 411 mining and exploration permits have been approved, which cover close to 873,000 hectares of land, mostly in upland and indigenous peoples' ancestral domains.

More recently, the most notable cases of mining include the 9,605-hectare Tampakan Mine Project in South Cotabato province and the 3,085-hectare exploration permit of the Semirara Mining Corporation on Caluya Island in Antique. In both cases, foreign capital is involved in the financing of resource extraction. This is also the case for the construction of a mega-dam in Jalaur, Iloilo, which is funded by the South Korean Export Import Bank. The Jalaur Dam (built along the Jalaur River) was the government's solution, proposed by its agency the National Irrigation Authority, to address irrigation, drinking water, and electricity problems of downstream communities in Iloilo. But indigenous peoples, the Catholic Church and environmental groups dubbed it a "killer dam," which is expected to create massive environmental and social problems. It will also submerge 4,000 hectares of ancestral lands that have been delineated by the National Commission for Indigenous Peoples (NCIP). Consent was forcefully obtained and manipulated by NCIP officials. Furthermore, the costs and effects of the dam to the indigenous peoples were not properly explained.

Industrial Agriculture and Biofuels as "Clean Energy"

Given the decades-long stagnation of the agricultural sector in the Philippines, influential business groups and certain government agencies are seeking to reverse the past gains of land reform in order to firmly establish industrial, plantation-based agribusiness in the countryside at the expense of smallholder

farming. While much of this agro-industrial thrust involves the cultivation of cash crops for biofuels and other export crops, recent years have also seen the rapid expansion of oil palm plantations, especially in Mindanao and Palawan.

In this vein, on May 26, 2014, Environment Secretary Ramon Paje Jr. proposed the earmarking of eight million hectares of land across the Philippines for oil palm plantations operated by both national and international agribusiness firms.⁴ This proposal is particularly disturbing given that the Philippines has only 30 million hectares of total land resources.

Equally disturbing is the continued faith of the government in its failed biofuels program despite calls for review by the agriculture and energy secretaries on separate occasions. In September of 2011, the agriculture department led by Secretary Proceso Alcala initiated a critical review of past foreign land deals on the basis of the food security and rice self-sufficiency thrust of the current administration of President Aquino. In May of 2012, the Department of Energy announced publicly that it would be revisiting the national biofuels program mandated by RA 9367 or the Biofuels Act of 2006, after the initial implementation of the program proved to be lackluster.

The lands to be developed according to the law are “idle, new, untenured and marginal,” and the investments should be guided by laws that respect agrarian reform, forest land and the rights of indigenous peoples. Despite population growth in the Philippines, it is assumed by such policy positions that there are still significant stretches of lands that are unpopulated and unused by smallholders, and that the continuing problem of rural poverty and hunger simply owes to a lack of investment by the commercial sector. In truth, however, very little rural land in the Philippines (except perhaps for deep rainforest), remains “idle” and “unpopulated”—even if these ground realities are not always well documented in government databases. Furthermore, careful analyses of the sites of land grabbing have revealed that the

areas being targeted by elites and investors are hardly “marginal,” but are in fact prime rural lands.

Recent case studies on land deals and agro-investments demonstrate that lands converted for biofuels are in fact areas planted with rice, some of which have irrigation facilities, and other crops.⁵ This is what happened to the farmers of Tagkawayan, Quezon, on the main island of Luzon. The farmers are occupying timberlands planted with fruit trees and upland rice under the Community-Based Forest Management Program, which sought to deepen community management of forests through practices such as agroforestry, reforestation and natural regeneration. When the Biofuels Act of 2006 took effect, the local government unit of the province of Quezon, in partnership with the Department of Environment and Natural Resources and the Philippine National Oil Company, convinced farmers to plant jathropa, supposedly to produce raw materials for biodiesel production. To finance the project, the farmers through their cooperative were allowed to borrow close to US\$115,000 (Php 5 Million) from the Land Bank of the Philippines. The government, however, was not ready to process the jathropa seeds into biodiesel. In 2011, the Department of Trade and Industry declared that jathropa was not viable as a raw material for biodiesel production. With the target market fizzling out, the farmers’ cooperative is now mired in debt. The Land Bank insists that the loan be repaid even though the failed project was conceived of and proposed by the government.

Agents of “Control Grabbing”

The actors driving the present wave of land grabbing in the Philippines can be classified into five groups:

- National economic elites and their companies;
- Rural elites and landlords;
- National and local government officials;
- High-level neoliberal economists and technocrats;
- Groups offering specialized services for national and/or local elites;

National economic elites and their companies generally involve gigantic property developers and other land-based firms, as in the case of mining. These economic elites are typically among the richest in the country. Of particular significance are the land firms owned by Philippine capitalists Henry Sy (of SM Development), David Consunji (DMCI/Semirara Mining), Jaime Zobel de Ayala (Ayala Land) and former Senator Manuel Villar (Vista Land and Lifescapes), among others. Compared to earlier in the 20th century, when most national elites preferred to retain large expanses of landholdings as haciendas, the richest land-based elites in the Philippines today are more oriented more toward redeveloping rural lands as areas for residential and commercial use and reaping the anticipated returns of such large-scale land use changes.

Local elites and landlords—such as the Sarroza family (owners of SIDECO in Iloilo) and the Angara political dynasty (creators of APECO in Aurora)—often partner with national elites to implement most deals identified by rural communities as land grabbing. If they themselves are not government officials, such rural elites typically have extensive connections in local and national government to take advantage of land use determination and zoning powers allotted to local governments through the Local Government Code for converting lands to non-agricultural use. In driving forward the sale or conversion of these lands, local landlords often stand to receive significant economic rents at the expense of smallholder residents and tenants.

The “success” of land grabs lies in the active support of government officials at both local and national levels in order to implement government policies or mediate land disputes in a manner favorable to elites. At both local and national levels, land grabbers thus often have a network of connections from numerous agencies, typically the Department of Agrarian Reform, the Department of Environment and Natural Resources, the Land Registration Authority, the Department of Agriculture, as well as various courts and police and military forces.

Landed elites may also seek to draw on studies by high-level economic analysts and technocrats—sometimes harnessing their direct support—to provide a veneer of credibility to their land projects and deals. Usually, a key objective in obtaining the support of such policy experts is to demonstrate that illegitimate land deals have ample economic “benefits” that surpass the immediate “costs” to the communities they negatively impact. One clear example of this is seen in Ayala Land’s direct support for neoliberal economist Raul V. Fabella’s recent lecture series entitled “*CARP: Time to Let Go*,” which sought to provide “criticism” of the impact of CARP in order to justify abolishing the program.⁶

Finally, both local and national elites, in their efforts to acquire lands, often contract the services of numerous groups such as paid lawyers, media spin-doctors and armed security personnel. Without support from civil society and pro-farmer government officials, the extensive provision of these services at both local and national levels ensures that the leverage elites have to wage and influence land disputes almost always far outstrips that of threatened farmers.

Reclaiming and Defending the Land Rights of the Rural Poor

To sum up, the aggressive drive of domestic corporations, political and economic elites, and landlords for their profit-driven and rent-seeking agenda through eco-tourism, real estate investments and “clean energy” investments have caused a lot of problems for affected populations. These take the form of:

- Forcible evictions
- Killings
- Imprisonment of land rights claimants
- Bankruptcy of forest occupants
- Continuing human rights abuse/violations
- Control of land and modes of production
- Land re-concentration

With traditional households continuing to be mired in poverty and increasing pressures among land developers and other elites to seize lands for commercial use, inequality in access to land is bound to worsen in the absence of concerted action on behalf of communities of rural smallholders.

Amidst this pattern of control, dispossession and human rights violations triggered by land grabbing, the government has stood helplessly by and failed to observe its human rights obligations. It will have to be held accountable, and should assume primary responsibility for restoring the enjoyment of basic rights and freedoms—including rights to land—for farmers, fishers and indigenous peoples. There are various campaigns to stop land grabbing and promote or protect the rights of the rural poor to land and other productive resources, including the Save Agrarian Reform Alliance, the Task Force Anti-APECO, and Bulig Sicogon Island. While these campaigns focus on various issues, they share similar demands:

- Rights to land and territories. The main rights that are being violated are the rights of affected communities to land as guaranteed by the Philippines Constitution: the right to own the lands they till under the Comprehensive Agrarian Reform Program (CARP); the right to long-term tenure and management of forest resources through agro-forestry as enunciated in the Community-Based Forest Management Program; and the right of indigenous people to their ancestral domain under the Indigenous Peoples' Rights Act.
- Rights to sustainable coastal resources. The eviction of fishers from the island of Sicogon will violate their right to municipal waters, not only as a source of livelihood but as a resource for future generations of fishers. Coastal resources are not just for eco-tourism, but, ultimately, for the enjoyment of the right to sound agroecology, a source of food and a natural resource for future generations. The recent climate change disasters have been used as a pretext for enclosures, relocations and the privatization of these resources.
- Right to water. As many land grabs rest on the importance of access to water resources, the rights of communities to water, especially drinking and irrigation, are compromised.
- Freedom of and right to information. A key issue for movements is ensuring the right to information as in the majority of land grabbing deals, local communities are kept in the dark. For example, the deal between the Philippines government and Chinese state-owned and private corporations was blocked as a result of public unrest anchored on demands for transparency, disclosure and access to information, and shining light on the local consequences of such deals.

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- Pro-poor, gender-just and smallholder investments. Public investments that support the progressive realization of the right to adequate food in the context of national food security are needed. This has been recognized by the United Nations. Further, public investments should highlight and recognize smallholders' crucial contributions and investments as small-scale food producers and providers in securing the right to food, building local economies, employment, and creating dynamic communities. Central to the promotion and wellbeing of such smallholders is guaranteeing their security of tenure on the lands they make productive, by means of the effective implementation of governmental land redistribution programs.

In the end, protecting and promoting the land rights and resources of farmers, rural women, indigenous peoples, fisher folk and the rural poor that feed majority of the Filipino nation, is not only economically wise, it is politically and morally right.

Notes

- 1 Wikipedia, http://en.wikipedia.org/wiki/Land_grabbing. Accessed July 14, 2014.
- 2 Klaus Deininger et al., *Rising Interest in Global Farmland: Can It Yield Sustainable and Equitable Benefits* (Washington, D.C.: World Bank, 2010).
- 3 In accordance with the Mining Act of 1995, Exploration Permits exclude areas in conflict, ancestral lands/ domains without the free, prior and informed consent of indigenous peoples, proclaimed watersheds, adequately stocked forests, forest reserves and critical watersheds or areas classified under NIPAS.
- 4 Bobby Lagsa and Rafael Antonio, "8M ha eyed for oil palm plantations," *Philippine Daily Inquirer*, 26 May 2014, available from <http://newsinfo.inquirer.net/605424/8m-ha-eyed-for-oil-palm-plantations>
- 5 See Carranza, Danilo, "Implications of biofuels investments on land rights and livelihoods of the rural poor: Three Cases of Biofuels Investments in Luzon", power point presentation during National Conference on Lands and Agro- investment Deals, April 14, 2011 Davao City sponsored by AFRIM, RIGHTS-Net, Visayas State University, FIAN and Focus on the Global South. Also see the studies of Dargantes, Buenaventura on Negros and AFRIM on Mindanao.
- 6 It should be noted that a rebuttal to Dr. Fabella's lectures, on methodological grounds, has been provided by Dr. Toby Melissa Monsod of the University of the Philippines School of Economics, along with Sharon Faye Piza, a consultant with the Asian Development Bank.

ANNEX

Profiles of Selected Land Grabbing Cases

CASE	SIZE AND LOCATION	AGENTS INVOLVED	RATIONALE	COMMUNITY IMPACTS
APECO (Aurora Pacific Economic Zone and Freeport Authority)	12,923-hectares / Casiguran, Aurora province	Angara political dynasty; APECO administration; investors	Creation of Freeport / Special Economic Zone	Harassment and intimidation, illegal land conversions, loss of land tenure security, environmental degradation
Caluya	Up to 3,095 hectares / Caluya Island, Antique	Semirara Mining Corp.; Javier family; local government officials	Tourism development and expansion of coal mining	Eviction from homes, demolitions, environmental degradation, loss of fishing grounds, harassment and detainment of residents
HACIENDA DOLORES	1,125 hectares / Porac, Pampanga	Ayala land; Leonio Land; FL Properties and Management Corporation	Establishment of Alviera, a large-scale mixed-use community and business district	Eviction from homes, demolitions, harassment and intimidation, killings
Hamilo Coast / Pico de Loro	Up to 8,650-hectares / Nasugbu, Batangas	SM Land Inc.; Manila Southcoast Development Corporation; Fil-Estate	Coastal tourism zone, residential community and environmental reserve	Harassment and intimidation, loss of land tenure security, illegal land conversions
LUMINA HOMES	12.47 hectares / Plaridel, Bulacan	Lumina Homes of Vista Land; Villar family	Establishment of residential subdivision	Illegal land conversions; flooding of farmlands
SIDECO (Sicogon Island Development Corporation)	809-hectares / Sicogon Island, Iloilo	Ayala land; Sarroza family; SIDECO administration	Establishment of Sicogon Island Resort Complex	Eviction from homes, harassment and intimidation, loss of land tenure security
SUMALO	124-hectares / Hermosa, Bataan	Riverforest Development Corporation/Litton family	Establishment of residential area	Harassment, intimidation, loss of land tenure security, enclosures from farmlands

Why the World Bank is Neither Monitoring, Nor Complying with the FAO Guidelines on Responsible Tenure of Land, Fisheries and Forests

By Sofía Monsalve Suárez and Zoe Brent

Around the world, peasants, pastoralists, indigenous peoples and fisher folk are facing increasing increased threats of displacement and dispossession. The confluence of the food, financial and climate crises has further exaggerated pressures on land and forests, spurring land grabs, green grabs and countless conflicts over natural resources.¹ The deepening “ecological hoofprint”² resulting from expanding industrial meat production and the corresponding demand for animal feed, along with the boom in biofuels production, are key drivers of these dynamics around the world.³ Meanwhile, the World Bank’s 2008 report on agriculture for development ramps up support for “new agriculture” based on the same corporate model of industrial production—what McMichael calls “new wine in old bottles”—a development project that squeezes rural farming economies toward concentrated control by corporate actors and pushes small-scale producers off of their land.

Systems of local and national governance of land and other natural resources are currently undergoing a process of far-reaching transformation as well. A key feature of this transformation process is the increasing involvement of (trans)national and (inter)national corporate business actors, frameworks and institutions in local and national decision making processes that relate to and have an impact on

natural resource governance. In many cases, this increasing involvement and influence undermines efforts to democratize control over natural resources in a way that prioritizes the interests, identities and aspirations of poor, marginalized and vulnerable peoples. However, as new patterns of interaction between local, national and international actors are emerging, so also are new opportunities and needs for multi-level forms of governance. In this changing and uncertain setting, grassroots groups and people’s organizations are struggling to define new forms of accountability and control over natural resource governance on their own terms.

To this end, over the last two decades, rural working peoples’ social movements have been increasingly active at the global level and addressing international sites of power and decision-making. Transnational movements representing rural women, peasants and family farmers, fishing communities, indigenous peoples, landless people, pastoralists, forest communities, youth, and other civil society organizations have been able to articulate common demands for equitable and sustainable access to and control over natural resources for food production. The approval of the FAO Guidelines on Responsible Tenure of Land, Fisheries and Forests in 2012 is a major milestone, which is the result of years of social mobilization around this broad range of issues.



Photo by Tanya Kerssen

At the World Food Summit in Rome in 1996, movements presented the vision of food sovereignty and recalled the essential role of agrarian reform and comprehensive rural development policies in combating hunger. During the International Conference for Agrarian Reform and Rural Development (ICARRD) organized by the FAO in March of 2006 in Brazil, in which agrarian movements actively participated influencing the outcomes, governments committed to applying a participatory approach based on economic, social and cultural rights for the equitable management of land, water, forests and other natural resources within the context of national legal frameworks, focusing on sustainable development and overcoming inequalities in order to eradicate hunger and poverty. At the International Forum on Food Sovereignty (Nyéléni) in Mali in 2007, social movements and other civil society organizations (CSOs) continued building a common vision

regarding the use and management of natural resources in which the rights to territory and self-determination are guaranteed for all peoples. In April of 2010, during the World People's Conference on Climate Change and the Rights of Mother Earth in Bolivia, participants delineated the foundations of alternative models of interaction between human beings and nature—seen as a single, interconnected system—in order to forge a new system that reestablishes the harmony between people and the environment.

Agrarian movements rallying for food sovereignty have engaged in different international arenas such as FAO, IFAD and the UN Human Rights System to advance their demands and proposals with respect to land and natural resources thereby participating and recognizing processes and frameworks such as ICARRD, the International Treaty on Phytogenetic Resources, the International Covenant on Economic,

Social and Cultural Rights, and the UN Declaration on the Rights of Indigenous Peoples among others. Meanwhile, they have heavily questioned and challenged other international institutions such as the World Trade Organization (WTO), the World Bank and other international financial institutions for their lack of democratic legitimacy and the disastrous impacts of their market-based and market-oriented land and rural development policy frameworks such as the Principles on Responsible Agricultural Investment (PRAI) or the UN program, “Reducing Emissions from Deforestation and Forest Degradation” (REDD).

The outbreak of the food price crisis in 2007-8 and the failure to complete WTO’s Doha Round negotiations mark a significant moment of changing conditions in the international governance of food and agriculture. As a key response to the crisis, the G8 in collaboration with the UN High Level Task Force on the Global Food Security Crisis proposed the establishment of a Global Partnership for Agriculture, Food Security and Nutrition. This partnership would have been heavily influenced by corporate interests and tasked with coordinating the international response to the food crisis. Food sovereignty social movements strongly contested this attempt and supported “one single space in the UN system that acts in total independence of the international financial and trade institutions, with a clear mandate from governments, decisive participation by peasant, fisher folk and other small-scale food producers, and a transparent and democratic process of decision making. This has to be the unique space where food and agriculture issues are discussed, where policies and rules are set.”⁴ Due to several factors, the Global Partnership did not succeed in sidelining the UN institutions and instead governments decided to reform the UN Committee on World Food Security (CFS) now jointly hosted by FAO, IFAD and WFP. The reformed CFS is considered a partial achievement of the food sovereignty movement and its efforts to effectively influence international policy making.⁵ The Global Partnership is still alive, but as a group

of donors without the legitimacy of being a global governance body.

Land was one of the first issues put on the CFS’s agenda by the food sovereignty movement, an issue that was glaringly absent from the international response to the food crisis as presented by the UN High Level Task Force on the Global Food Security Crisis. Food sovereignty movements built on their work on ICARRD and engaged with the process proposed by FAO to develop guidelines on governance of tenure of land and natural resources. This process had started in 2007 and was lifted to a high-level international process because of two factors. On one hand, because by 2008 the land issue forcefully appeared in the international public opinion with GRAIN’s report about land grabbing, necessitating an international response to this new phenomenon. On the other hand, during the first session of the reformed CFS in 2010, peasant organizations and other civil society organizations (CSOs) working together in the International Planning Committee for Food Sovereignty (IPC) convinced FAO and key governments to agree on and adopt the guidelines in an intergovernmental negotiation process and not as a mere technical document.

On May 11, 2012, the CFS endorsed the FAO Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security, also referred to as the Tenure Guidelines (TGs). The TGs were developed through a process that lasted for more than three years and was novel for its degree of inclusion and participation by social movements and CSOs. Following the inclusive and participatory spirit of ICARRD, the FAO created the conditions for enabling representatives of agrarian social movements to actively participate right from the start and throughout the entire process. An International Facilitation Group was established by the IPC in 2009 to make possible the autonomous organization of civil society in this process. The self-organized consultations—and their official recognition—allowed the social movements

The World Bank claims to be working in accordance with the Tenure Guidelines and refers to its Land Governance Assessment Framework (LGAF) as their major contribution to the implementation and the monitoring of the Tenure Guidelines.

and CSOs to collectively develop a common proposal to present as bona fide input into the official process. This document⁶ distilled their vision and aspirations on how land and natural resources should be governed to achieve food sovereignty. As such, it provided—and will continue to provide—valuable insights and guidance on how practitioners can interpret the officially agreed TGs.

During the official negotiations themselves, the social movement-led CSO delegation mobilized teams to propose text, to lobby governments, and to argue positions. A number of CSO proposals won the support of governments and found their way into the TGs. Conversely too, numerous other CSO proposals remained isolated and in disagreement with the consensus reached by member states to the CFS. As stated in a joint statement on the occasion

of the adoption of the TGs on May 11, 2012, the CSO participants welcomed the TGs but are aware that they fall short in some areas that are key to the livelihoods of small-scale food producers and other marginalized groups.⁷ In short, the document contains a contradictory mix of philosophical and political positions, ranging from a conservative “market-based mechanisms” perspective to a radical “human rights and social justice” perspective. Now that the Tenure Guidelines are approved, the work of implementation and monitoring has begun. Different actors will use and interpret the Tenure Guidelines differently. Thus implementing and monitoring the Tenure Guidelines will be a contested and political process.

As set out in paragraph 1.1 of the Tenure Guidelines,⁸ they are a normative instrument that contains aspirations and standards not yet fully met to *improve* governance of tenure for the benefit particularly of vulnerable and marginalized people and in a manner that it is consistent with states’ human rights obligations. From this follows that none of the main addressees of the Tenure Guidelines, namely states, non-state actors, specialized UN agencies and regional organizations, can claim to be already implementing or acting in compliance with the Tenure Guidelines. This is something that needs to be verified first. The very idea of *improving* governance of tenure implies that the main addressees of the Tenure Guidelines and the groups most affected by tenure problems need to assess first what areas and aspects of governance of tenure are problematic in a certain country and how should the gaps and short-comings be overcome in accordance with the Tenure Guidelines. Claiming to be acting in line with the Tenure Guidelines without an independent and impartial assessment of this claim is mere propaganda and risks to discredit the Tenure Guidelines themselves as a normative instrument.

The World Bank claims to be working in accordance with the Tenure Guidelines and refers to its Land

Governance Assessment Framework (LGAF) as their major contribution to the implementation and the monitoring of the Tenure Guidelines.⁹ In this briefing we will examine both claims. First we will look with some detail into the LGAF and ask whether this framework can be accepted as a diagnostic tool to assess governance of tenure at country level. Second, we will briefly analyze the World Bank's lending practices, raising some questions about their impacts on the ground and on governance of tenure in the respective countries. Finally we will conclude this briefing summarizing the main insights of the paper and providing some reflections about the implementation and monitoring of the Tenure Guidelines.

I. The World Bank Land Governance Assessment Framework: Far from the Spirit of the Tenure Guidelines

The Land Governance Assessment Framework (LGAF) was developed by the World Bank in partnership with FAO, UN Habitat, IFAD, IFPRI, the African Union and bilateral partners. It is a diagnostic tool to assess the status of land governance at the country level and define actionable paths for policy interventions. This framework focuses on five key areas: rights recognition and enforcement; land use planning, land management, and taxation; management of public land; public provision of land information; dispute resolution and conflict management, and optional modules for other topics (large-scale land acquisition, forests, urban land markets).¹⁰ It was developed by a team led by Klaus Deininger with personnel from the World Bank and Land Equity International. Key inputs to the design and refinement of this tool were provided by country pilots in Ethiopia, Indonesia, the Kyrgyz Republic, Peru and Tanzania. It also benefited from comments by many individuals of partner organizations or by participants in diverse workshops organized from 2008 to 2010.¹¹ So far, 32 countries are participating in this program.¹²

In order to collect key information on the land sector of a given country, this framework is based on a set of 21 land governance indicators (LGI), which are divided into three or four dimensions. During the assessment, these dimensions, 80 in total, are scored based on pre-coded answers on a scale from A to D, where "A" stands for good practice and "D" for weak practice. This tool is thus considered by its proponents as useful to, "benchmark governance... identify areas that require further attention" and facilitate the "transfer of good practices across countries."

These assessments are carried out in a participatory process of three to six months. They are intended to bear two main characteristics: 1) "local expertise/ownership... rather than outside experts"; 2) "technical rather than political: aims to be objective, replicable, actionable."¹³ The process is driven by a local country coordinator, a supposedly neutral person with extensive knowledge of the sector. It includes the following phases: the collection of quantitative and qualitative background information by a small group of "expert investigators" specialized in the key areas of the framework (description of tenure typology in the country, writing of background reports and briefings for panel participants); panels of experts per topic (intensive sessions of between half a day and a day, during which various experts discuss each dimension in order to arrive at a consensus ranking); LGAF report with identification of priority policy areas for follow up; technical validation workshop; policy dialogue. A diagnosis costs around \$50-100,000.

According to LGAF advocates,¹⁴ this initiative is in line with the "VG spirit" given that it is based on: country demand, broad stakeholder participation, periodic participatory reviews; and sustained support from partners rather than stop and go. They also argue that most topics of the Tenure Guidelines are covered by the LGAF.¹⁵ Yet, a closer analysis reveals that there are substantial differences between the two initiatives, at the level of both the *content* of the standard and the *process* of standard assessment.

The Content of the LGAF Standard

The LGAF framework is primarily focused on monitoring governance processes and structures of national and subnational governments rather than on policy outcomes. Indeed, the initiative is stronger in relation to the analysis of legal instruments, basic institutional mechanisms, policies and specific measures as illustrated by the five overarching themes covered by the framework: rights recognition and enforcement; land use planning, land management, and taxation; management of public land; public provision of land information; dispute resolution and conflict management. The notion of “enforcement of rights” is primarily understood as the formalization of land rights through registration and mapping. And despite some indicators on land conflicts and compensation for loss of rights, there is a lack of indicators on actual outcomes for rights holders, in particular for vulnerable and marginalized people who the Tenure Guidelines specifically emphasizes (see Objective 1.1 of the TGs)¹⁶.

More fundamentally, LGAF indicators were designed according to a specific view of good land governance, one that is primarily guided by the principle of economic efficiency rather than by equity or justice. Indeed, according to the World Bank, the main objective of good land governance is to create the preconditions for economic development. Secure land rights would facilitate long-term investments and transfers of land toward more efficient users.¹⁷ This logic appears in the justification accompanying the main topics covered by the framework. In relation to rights recognition and enforcement, for instance, the LGAF document states that “When property rights are not recognized or not enforced, this may create tenure insecurity and increase the potential for conflict, divert resources for the defense of property claims, and act as a disincentive for investments in land.” Land information, the fourth key area, is also considered critical to ensure effective market mechanisms: “the public availability of land-related information can inform the public about transaction

possibilities and foster the development of a unified and more efficient land-market.” As for the last area on dispute resolution and conflict management, the introductory comment is limited to: “It is important that affordable, clearly assigned, transparent, and objective dispute resolution mechanisms exist and that these mechanisms are sufficiently efficient to maintain the level of unresolved disputes low enough not to affect the productivity of land use or threaten social stability.”

Thus we see that the principles of market efficiency and productivity are underlying most LGAF indicators. This tool poses a clear normative statement—although never made explicit as such—according to which land should be accessed and/or controlled by “efficient users.” In this way, it negates the complex and contested nature of land governance. Indeed, there are alternative propositions regarding the crucial issue of who should be prioritized. The Tenure Guidelines, which were elaborated in an inclusive and participative framework, emphasize specifically vulnerable and marginalized people (see Objective 1.1). Equity and justice are considered as key principles of implementation (see Principles of implementation n°3). Thus, the issue is not only to formalize existing land rights, but also to promote *equitable* access to land, fisheries and forests. The notion of equity appears in the LGAF standard. Yet, it primarily concerns procedural issues linked to decision-making processes. For instance, it is stated that institutions should be equally accessible and non-discriminatory (see LGI-6). The idea of incorporating and monitoring “equity goals” only appears in one dimension (LGI-6, dimension 2). Thus, equity does not represent an overarching principle, one that would influence the overall framework in the sense of promoting equitable access to land.

As a result of the overall normative standpoint, the assessment undertaken by local experts is constrained by a specific format, one that will influence the results. In the “instructions for expert

investigation” related to the establishment of a “tenure typology,” for instance, experts are asked to describe each tenure type according to these three dimensions: 1) Legal recognition, 2) Registration/recording; 3) Transferability.¹⁸ Thus, this format implicitly implies that good land governance means to promote an efficient land market that would allow the transfer of land toward most efficient users. More generally, the system of pre-coded answers implies a bias toward some solutions at the expense of others.¹⁹ For instance, for the LGI 1, dimension 5, the answer D standing for weak practices is: “Although desirable, the law provides no opportunities for those holding land under customary, group, or collective tenures to fully or partially individualize land ownership/use.” There is thus a bias toward individualization. Although the LGAF promotes the legal recognition of communal rights, this recognition is associated with a number of conditions to make them economically efficient.²⁰

Thus, the pre-established LGAF format highly influences the result of specific country assessments. Although some country reports might include divergent opinions, these opinions have to be reduced to pre-coded answers in a list of 80 dimensions. Report conclusions stress some deficiencies at the expense of others. Thus, in the case of Indonesia, one major conclusion was that “The cost of sporadic land registration is high, especially if costly informal fees are included. With the cost of transferring land being among the highest in the region, many efficiency-enhancing transactions will either not take place or be driven into informality.”²¹

In sum, the LGAF tool is not neutral as its advocates argue.²² The LGAF standard, taken as a whole, is directed toward a specific vision of society: a world in which economic efficiency is essential and small rural actors not conforming to the model are squeezed out. In that sense, the LGAF initiative is not in line with the “VG spirit” which is characterized by the principles of human dignity, non discrimination, equity

and justice, gender equality, holistic and sustainable approach, consultation and participation, rule of law, accountability, transparency and continuous improvement (see Tenure Guidelines, paragraph 3).

The LGAF Assessment Process

LGAF advocates consider that this tool is in line with the spirit of the Tenure Guidelines, notably the emphasis on “broad stakeholder participation.” As described above, participation was a key dimension in the process of drafting the Tenure Guidelines. These guidelines resulted from a process that included the groups most affected by tenure insecurity: peasants, fishers, indigenous peoples, pastoralists, rural workers, women, landless people, etc. Indeed, the entire reform of the CFS aims to make more inclusive and legitimate the global governance of food and agriculture.

Yet, the “multi-stakeholders” process established by LGAF is different in many respects. It is characterized by a “technical” and “expert” approach. For country level assessments, there might be “experts” from diverse stakeholder categories but there is no mechanism to guarantee that there will be a balanced representation of various constituency groups. More importantly, the LGAF standards as such—indicators, dimensions and pre-coded answers—were elaborated by World Bank representatives in collaboration with technical experts of international organizations and without a broad participation of state representatives, particularly from developing countries, of the groups most affected by tenure problems, and of human rights monitoring bodies among other relevant actors.

This lack of legitimacy is particularly problematic since one of the stated objectives of the LGAF is to “help countries prioritize reforms and monitor progress over time.”²³ In order to achieve this objective, the LGAF assessment process includes a policy workshop, which should ideally result

in agreements about follow-up actions. In the conclusion of the final report of the Philippines, for instance, it is proposed to use LGAF to monitor progress of a national framework called the Land Sector Development Framework (LSDF). The idea would be to have an “LGAF-ied LSDF.”²⁴ Thus, there are many ways in which the LGAF assessment might actually influence national policies. Yet we argue that in comparison with the Tenure Guidelines, the LGAF is extremely weak in terms of legitimacy and normative status. It can therefore not be accepted as a diagnostic tool for identifying required policy interventions at national level. Such a tool should not be imposed by an IFI without a mandate to work on normative issues related to land. Instead it should be developed at country level and using the Tenure Guidelines as a baseline as it is set out in paragraph 26.2 of the Tenure Guidelines.

II. World Bank Group Lending Practices: Violations of Rights and Insufficient Accountability Mechanisms

As the World Bank advances the LGAF as an evaluation process for land governance, it is important to take a critical look at the role of the Bank in its monitoring efforts as they relate to land. We find that while the number of review processes, inspection panel evaluations, CAO audits, guidelines and accountability mechanisms within the Bank’s institutional framework has increased in recent years, so have the number of lending mechanisms that are not subjected to the scrutiny of these processes. Worse, these new processes that lack accountability mechanisms are reported to have a negative impact on land tenure, property rights, and social infrastructure in rural areas. And the money leveraged by these alternative mechanisms is significant. According to Alexander, “all of these developments enable the World Bank to move more money with less responsibility for the environmental and social aspects of its operations on the ground.”²⁵

The World Bank Group is made up of five institutions²⁶ that lend to both the public and private sector. The types of lending mechanisms employed are increasingly diversified, but not all are subject to the same review processes. One of the main frameworks detailing the Bank’s best practices to ensure protection of environmental and social standards is the World Bank “safeguards policies.” These policies were established in the 1980s, but really gained strength after a report on the negative social and environmental impacts of the Sardar Sarovar Dam by the Morse Commission triggered the creation of the Inspection Panel.²⁷ This panel is a permanent body that reports to the Board of Directors and today serves as the main body that investigates complaints about the Bank’s lending in the public sector. In 1998 the Compliance Advisor Ombudsman (CAO) was established, which reports to the World Bank Group President and investigates complaints about private sector lending activities. As we argue below, The World Bank’s lending is leading to violations of rights, and these accountability mechanisms are not enough. Far from being well suited to monitor the Tenure Guidelines, the World Bank itself needs to be monitored by an external body so that these violations end.

Both in its public and private sector lending, accountability mechanisms are avoided, and negative social and environmental impacts are perpetuated, thus causing complaints to be filed with both the Inspection Panel and the CAO. We see this unfolding with the increasing use of Development Policy Loans (DPLs) and lending through the Program for Results that offer direct support to governments, as well as with the increased lending through private sector actors, as is the case with IFC loans to intermediary financial institutions.

Public Sector Lending

Development Policy Loans (DPLs) primarily fund policy reform by way of rapidly disbursed loans. The World Bank launched a new operational policy

(8.60) for Development Policy Lending in 2004 in order to establish a “fast-disbursing policy-based” lending mechanism.²⁸ This new policy also removed the 25% ceiling for the Bank-wide share of policy-based lending, enabling the growth of this type of lending mechanism. By 2006, DPLs made up about a third of Bank-wide commitments.²⁹ This tool was created by combining Sectoral Adjustment Loans (SECALs), Structural Adjustment Loans (SALs), and other instruments.³⁰ DPLs focus on single tranche disbursement reflects a move away from multi-tranche structural adjustment programs that set up a series of conditionalities to be met in order for further investments to be made. This reform sought to address some of the problems with conditionality that critics claim takes decision-making power away from the state, and has not effectively addressed poverty.³¹ DPLs, on the other hand, are a quick, one-time injection of a cash loan into existing policy frameworks, although in practice countries are still required to meet conditions before receiving money rather than over the course of multiple payments.³² Similarly, in 2012, the World Bank launched a new lending mechanism called the Program for Results (P4R) that provides funding to government programs once results are delivered. These mechanisms have only slightly modified the nature of conditionality, and while the new regimen of conditions may make it safer and less costly for the Bank to lend, it does not depart from the basic underlying model of development that the Bank has always promoted. What is more, it has not resolved the negative social and environmental impacts such lending might cause, nor has it established effective accountability mechanisms to address problems on the ground.

DPLs and P4R are excluded from the Bank’s environmental and social safeguard policies like OP/BP 4.01 on Environmental Assessment.³³ Initially the safeguard policies were set up to address the social and environmental impacts of Bank projects at the micro-level. DPLs and P4R are considered sectorwide, or programmatic lending, which do not fit into the micro-scale focus of the existing

safeguard policies.³⁴ P4R is very new, but Karen Orenstein worries that, “A P4R loan could be given to a government for a forests-related programme that ultimately results in land grabbing and indigenous rights violations. But under P4R, World Bank indigenous peoples policies would not apply to this loan, nor would normal disclosure standards.”³⁵ And according to a 2006 internal review of DPL operations, the number of completed Country Environmental Analyses underpinning these new lending practices was “below original expectations.”³⁶ Another cause for concern about DPLs is the fact that the World Bank Inspection Panel cannot review complaints about loans that have closed or have been 95% disbursed. The fast, single tranche model of DPLs leaves affected communities little or no time to file complaints before the loan is 95% paid out, leaving them outside of the jurisdiction of the Inspection Panel.³⁷



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According to the Bank, “very few DPLs have the ‘likelihood of significant [environmental or social] effects.’” However, 20% of DPLs disbursed in 2008, for example, went to sectors related to natural resources and the environment.³⁸ And an evaluation of World Bank Forest Strategy by the Independent Evaluation Group (IEG) found that DPLs were one of the primary tools used to implement the World Bank forest strategy between 2002 and 2011, but were used largely to govern industrial timber concessions. The evaluation states:

Any concession policy that the World Bank supports will have an asset transformation effect—that transforms the value of forests assets and the access that forest-dependent people will have to them. But development policy operations do not require the same level of risk assessment or mitigation systems as investment operations do under the Bank’s safeguard system... [DPLs] inhibited the Bank’s ability to apply rigorous risk assessment and related mitigation measures in its concession portfolio.³⁹

Indeed, the Bank’s 10 environmental and social safeguards do not apply to DPLs and as the case in the Democratic Republic of Congo demonstrates, the internal review mechanisms are not sufficient.⁴⁰

Civil society groups have spoken out, revealing cases of negative environmental and social impacts, and managed to file a complaint with the Inspection Panel. In the Democratic Republic of Congo we can see that the impacts of this lack of accountability are seriously harming indigenous communities of forest-dwellers, the very “vulnerable and marginalized” communities that the Tenure Guidelines set out to protect (1.1). In 2005 the World Bank approved a DPL of US\$90 million to improve forest sector governance and establish regulations for industrial logging concessions. The Bank further determined that there would be no social or environmental impacts from the project. However, in November of the same year the Indigenous Pygmy Organizations

and Pygmy Support Organizations in the Democratic Republic of the Congo submitted a request to the Inspection Panel to investigate the planned Transitional Support for Economic Recovery Grant Operation (TSERO) DPL and the Emergency Economic and Social Reunification Support Project (EESRSP).⁴¹ In a country that is 60% forest-covered, an estimated 40 million people depend on those natural resources for their subsistence.⁴² The claimants asserted that they “have been harmed and will be harmed by the forest sector reform activities supported by the EESRSP and the TSERO. The claimants fear that the design and implementation of a new commercial forest concession system may cause irreversible harm to the forests where they live and on which they depend for their subsistence.”⁴³ Because the TSERO DPL had not yet been disbursed, the request to the Inspection panel was granted in the face of the Bank’s claims that TSERO posed no major social or environmental threats.

The Inspection Panel ultimately challenged the Bank, concluding, “that the Bank’s determination that there were no significant environmental or social effects of the forest Component of the TSERO is not consistent with the objective of Bank policies” The evaluation goes on to say:

[T]here are potential risks of including components such as forests in DPLs, which lack safeguards. The Panel notes that formerly such forest components were generally handled as projects, subject to safeguard policies. The Panel observes that the use of DPLs for other natural resource components could raise similar issue.⁴⁴

Even though the Inspection Panel accountability mechanism is technically “working” in this case, it is not enough. The Inspection Panel is a last resort accountability mechanism that steps in when other preemptive measures, like safeguards policies, fail. Beyond the details of this particular case, there is a problematic logic behind World Bank lending that runs counter to the spirit of the Tenure Guidelines.

By establishing loans like DPLs that are not subject to safeguards policies, we see that the Bank does not build a concern for social and environmental costs into its programs, rather it deals with such concerns on a case by case basis, if and only if it is caught in the act of a violation. According to the Tenure Guidelines, a program to improve forest sector governance would not emphasize the making of commercial forest concession systems but rather focus first on strengthening the rights of the existing forest users such as the Pygmy Indigenous Peoples and on involving them in the very design, implementation and monitoring of such a program. Besides Chapter 9 of the Tenure Guidelines, which specifically deals with tenure issues of indigenous peoples and other communities with customary tenure systems, there are many TG provisions—for example, in Chapters 3, 5, and 10—protecting and strengthening the human and tenure rights of indigenous peoples and other people relying on forest-based livelihoods.

Private Sector Lending

In addition to changing practices in public sector lending, growing lending by the International Finance Corporation (IFC) reflects an increasing reliance on the private sector as a driver of World Bank lending activities and according to the Bank, indicates a “major shift” in its strategy. In the words of World Bank president Jim Yong Kim, “if more private equity could be tapped for emerging markets, the world would have a better chance of achieving two ambitious goals: reducing poverty and promoting shared prosperity.”⁴⁵ At the outset, we can see the difference between Kim’s market-driven philosophy and the TG spirit in which the state is a key player in natural resource governance.

As the primary private sector lending institution within the World Bank Group, IFC activities are at the center of this major shift. The big change is the move toward lending to financial intermediaries,

that now makes up at least 40% of the IFC lending portfolio (almost \$20 billion which is nearly 20% of World Bank’s total lending portfolio) and like DPLs, includes no assessment of social or environmental impacts.⁴⁶ However the internal evaluation body of the World Bank Group’s private sector activities, the CAO ombudsman sounded the alarm and initiated an audit of this practice. The CAO audit investigating the practice of IFC lending to the financial sector indicates that:

As a result of the difficulties for external parties of bringing these grievances directly to CAOs attention, these less visible activities are creating an increasing risk for the institution, and might constitute missed opportunities for learning and improving the environmental and social performance of IFC.⁴⁷

The IFC was formed in 1956 with the intention of lending directly to private corporations advancing development projects. This effectively meant that rather than funding a public body, a private entity received the funds instead, but in both cases the money was going to the entity that would be managing the development project. Then in the late ‘90s this changed when IFC loans were increasingly directed toward support of domestic intermediary financial institutions. This meant that there was less focus of the final destination of the capital. From 1998 to 2004, the share of IFC support to financial institutions rose from 2.3% to 34.4%. Development institutions and financial institutions⁴⁸ have very different missions—one is to reduce poverty and the other to make a profit. Moreover, the way that funds are used by financial institutions is hard to trace, and therefore very hard to hold accountable. Channeling development assistance through financial institutions triggers a “distancing” akin to how Jennifer Clapp describes increasing processes of financialization in the food system generally.⁴⁹ This makes it very hard to trace the impacts of World Bank policies. In the words of Jeroen Kwakkenbos of the NGO Eurodad, “there’s grave concern about channeling development aid into these types of private



The World Bank's increased emphasis on the private sector and the role of the IFC has run into a number of controversies that run counter to several of the fundamentals of the Tenure Guidelines. In other words, like in its public sector activities, the Bank's private sector lending is also leading to violations of rights and existing accountability mechanisms are simply not sufficient.

funds. Nobody really knows where this money is going to end up and if it is going to help the people who really need it.”⁵⁰ The World Bank's increased emphasis on the private sector and the role of the IFC has run into a number of controversies that run counter to several of the fundamentals of the Tenure Guidelines. In other words, like in its public sector activities, the Bank's

private sector lending is also leading to violations of rights and existing accountability mechanisms are simply not sufficient.

Global Witness's report on the rubber industry in Cambodia and Laos links Vietnamese Rubber companies, financed by the IFC and Deutsche Bank, to land grabbing.⁵¹ IFC investment in Assam tea production in India has come under fire for Human Rights abuses on tea plantations.⁵² Even more troubling, is the recurring pattern of IFC lending or investing in financial institutions, which then finance companies that are involved in human rights abuses and/or land rights violations. The capital flows perpetuating this trend are very challenging to track, so it is likely that many violations go unchecked, but some cases have been brought to the CAO for review. Of course much depends on how one understands human rights obligations and what it can really mean to adhere to them in practice. It can be reasonably argued that if one takes human rights seriously, then the very model of development promoted by these institutions would not be possible in theory or practice—given the lack of transparency and sufficient accountability mechanisms. A human rights based approach is distinct and valuable precisely because it sets a very high standard for behavior that will always have to be structured into policies to be strived and struggled for.

The first case of this nature to trigger a complaint to the CAO was in the Indian state of Odisha, where the private equity India Infrastructure Fund had received a \$100 million equity investment from the IFC in 2008. The India Infrastructure Fund then provided financing to GMR Kamalanga Energy Limited for the construction of a coal power plant. Community groups claimed that the company illegally acquired the land for the plant, failing to offer compensation and instead using threats and force to seize the land.⁵³

In Albania, we also find a CAO audit, which calls attention to rights violations after they have been committed. The IFC has acted as a consultant

promoting the privatization of four hydropower plants, a sale critics claim was a ploy to inject cash into the economy during an election, while making \$1 million in profit for the IFC.⁵⁴ At the same time IFC's investments in Albania are both, direct supports to energy companies and indirect financing from banks, including loans to Enso Hydro Energji, equity investments in Bankers Petroleum and Antea Cement, as well as a €10 million loan to Credins bank earmarked for renewable energy and US\$4 million to Union. The CAO audit that was solicited in 2013 found that the IFC did not adhere to its own policies and acted out of its mandate, advising the government of Albania to privatize its hydropower plants. Furthermore the CAO affirms that the steel company that is believed to have won the bid for the hydropower plant acquisitions will facilitate the diversion of more water for manufacturing, thus depriving local communities of access to water. And land-owners of the hydropower plant site were never compensated by former communist governments, but by Albanian law are to be compensated with shares of the company operating on their land—something that the steel company has not yet offered.⁵⁵

For years many actors have been fighting to defend their land and human rights in Honduras, but the IFC has only recently come under fire for its direct investment in Dinant Corporation that has been linked to a long history of human rights abuses and land grabbing.⁵⁶ What has been less publicized is that the IFC was also indirectly financing Dinant through its investments in Fichosa, Honduras's third largest bank. After the violence in Bajo Aguan perpetuated by Dinant became public in 2010, the president of the IFC demonstrated that he understood the activities of its financial partner were problematic by sending a letter in January of 2011 to Honduran President Pepe Lobo regarding the deteriorating situation. However, by May of the same year the IFC made another \$70 million investment in Fichosa, from which Dinant is the largest borrower.⁵⁷ In other words, although direct support of Dinant had become politically contentious, the IFC continued its support indirectly through Fichosa.

The CAO took up the case in 2012 in response to charges that:

IFC's client (Dinant) conducted, facilitated or supported forced evictions of farmers in the lower Aguán Valley (or Bajo Aguán); Violence against farmers on and around Dinant plantations in the Bajo Aguán (including multiple deaths) occurred because of inappropriate use of private and public security forces under Dinant's control or influence; and IFC failed to identify early enough and/or respond appropriately to the situation of Dinant in the context of the declining political and security situation in Honduras, and specifically in the Bajo Aguán, following the ouster of President Zelaya in June 2009.⁵⁸

The findings of the audit confirm a grave lack of effective accountability measures within the IFC, leading to serious rights violations:

The CAO investigation found that the IFC failed to adhere to its own policies meant to protect local communities; either failed to spot the serious social, political and human rights context in which this company is operating or where it did, failed to act effectively on the information; failed to disclose vital project information, consult with local communities, or to identify the project as a high-risk investment. The CAO found that these failures arose, in part, from staff incentives 'to overlook, fail to articulate, or even conceal potential environmental, social and conflict risk' and that staff felt pressured to 'get money out the door' and discouraged from 'making waves.'⁵⁹

Some 70 organizations denounced the IFC's initial response to the CAO damning findings as "totally inadequate" and the institution has since pledged to strengthen its demands of Dinant. And to cancel the outstanding loan if the company fails to adhere to the new standards.⁶⁰

In response to the growing criticism of the lack of sufficient accountability mechanisms, the World Bank initiated a review of its safeguard policies. In 2012, the Bank began a two-year evaluation of these policies that are intended to ensure that its investments “do no harm.”⁶¹ Civil society groups have welcomed this review, but find its scope far too limited, noting that DPLs, for example, will still not be covered by safeguard policies.⁶² And regarding private sector lending, the World Bank website does not acknowledge the need for improvement, claiming, “IFC’s Performance Standards were recently strengthened to address many risks associated with land investments and are widely regarded as best industry practice.”

We cannot enter here into a detailed analysis of the cases mentioned and the role of the World Bank therein in light of the Tenure Guidelines. What we can safely say, though, is that the World Bank cannot claim to be acting in compliance with the Tenure Guidelines, and much less is it fit to monitor them. On the contrary, these paradigmatic cases show that the Bank’s own limited monitoring bodies have come to the conclusion that it is failing to comply even with its own safeguard policies related to protecting the human and land rights of local communities. This means that the World Bank is also failing to comply with the Tenure Guidelines, since they represent a higher standard in terms of protecting the rights to tenure of land, fisheries and forests of the rural poor. As the meaning and practice of the Tenure Guidelines takes shape, we must look to other organizations or institutions (for example, the CFS) to establish strong monitoring mechanisms.

Conclusion

The World Bank cannot claim that it is contributing to the observance of the Tenure Guidelines. Its LGAF was not designed on the basis of the Tenure Guidelines. It was independently developed by technical experts of international organizations

as a so-called technical tool to assess land governance from the point of view of economic efficiency. Depicting governance of tenure primarily as a technical exercise conceals the great power asymmetries and discriminatory practices which shape governance of tenure in many places today. It is precisely against this background that the Tenure Guidelines intend to act and try to address governance of tenure from the point of view of equity and justice and in a holistic way. By contrast, the LGAF is extremely weak in terms of legitimacy and normative status; and can therefore not be accepted as a diagnostic tool for identifying required policy interventions at national levels. In this sense, it is hard to understand why governments of developing countries have agreed to use a tool developed by an IFI such as the World Bank to assess their land governance, an instrument, which was developed without having a mandate to do so and without the participation of the affected governments and peoples. A tool for assessing governance of tenure should not be imposed by an IFI, but rather be developed at the country level and using the Tenure Guidelines as a baseline, as is set out in paragraph 26.2 of the Tenure Guidelines. As an input to these national processes and in order to assess progress on the implementation of these Guidelines and the improvement of governance of tenure at global level, FAO should develop a monitoring tool based on the Tenure Guidelines.

On the other hand, there is ample evidence that the World Bank’s land policy advice and lending practices have had serious impacts on the ground in terms of human and tenure rights of the rural poor. Thus, the World Bank cannot claim that it is acting in line with the standards set by the Tenure Guidelines. Both the existence of very problematic lending practices within inappropriate safeguard mechanisms and the shift to lending outside these weak mechanisms are extremely worrying. The CFS should therefore urgently assess the role of the World Bank in the governance of tenure on the basis of the Tenure Guidelines.

Notes

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- 2 T. Weis, "The meat of the global food crisis," *Journal of Peasant Studies* 40:1, 2013.
- 3 P. McMichael, "Banking on Agriculture: A Review of the World Development Report 2008," *Journal of Agrarian Change* 9:2, 2009.
- 4 See "Surprise ending in Madrid! No consensus on a G8 driven partnership...for now," *Via Campesina*, January 27, 2009.
- 5 N. McKeon, "'One Does Not Sell the Land Upon Which the People Walk': Land Grabbing, Rural Social Movements, and Global Governance," *Globalizations* 10:1, 2011; McKeon, "Global Governance for World Food Security: A Scorecard Four Years After the Eruption of the 'Food Crisis.'" Heinrich Böll Stiftung, Berlin.
- 6 Available at http://www.fian.org/resources/documents/others/cso-proposals-fao-land-guidelines?set_language=en
- 7 Available at http://www.csm4cfs.org/policy_working_groups-6/land_tenure-6/
- 8 "These Voluntary Guidelines seek to improve governance of tenure of land, fisheries and forests. They seek to do so for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development. All programs, policies and technical assistance to improve governance of tenure through the implementation of these Guidelines should be consistent with states' existing obligations under international law, including the Universal Declaration of Human Rights and other international human rights instruments."
- 9 See presentation "Introduction to LGAF," available at http://siteresources.worldbank.org/INTLGA/Resources/Introduction_to_LGAF.pdf
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- 13 See presentation on "the LGAF and the Voluntary Guidelines," available at: http://siteresources.worldbank.org/INTLGA/Resources/LGAF_VG_Powerpoint.pdf
- 14 See presentation "Introduction to LGAF," available at: http://siteresources.worldbank.org/INTLGA/Resources/Introduction_to_LGAF.pdf
- 15 Presentation by Thea Hilhorst on "The Land Governance Assessment Framework: An approach for participatory benchmarking, monitoring and dialogue," December 10, 2013.
- 16 For instance, LGI-21 (low level of pending conflicts) assesses "whether an efficient institutional framework can limit the opportunity for costly disputes to arise before they have a chance to become established, or where there are legitimate disputes, if the institutional framework can deal with those disputes in a reasonable time." The three dimensions of this indicator relate to the share of land-related conflicts in the formal system and the share of land conflicts that are resolved in a timely manner. Thus, it focuses on the efficiency of the judicial system rather than on the actual outcome of court sentences for vulnerable and marginalized people, as illustrated in the proposed questions for semi-structured interviews with judges (see the Land Governance Assessment Framework Implementation Manual, World Bank, 2012). LG-20 is supposed to address the question whether "accessible institutions are available to manage land related conflicts fairly and expeditiously." Yet, no specific dimensions relates to the issue of "fairness." As a result, this aspect lies outside the scope of the ranking.
- 17 Deininger et al., "The Land Governance Assessment Framework," 2012.
- 18 Land Governance Assessment Framework Implementation Manual, World Bank, 2012, p. 124.
- 19 See F. Eleazar et al. «Improving Land Sector Governance in the Philippines : Implementation of the Land Governance Assessment Framework,» 2013, p. 146.
- 20 As noted by Borras and Franco (in "Contemporary Discourses and Contestations around Pro-Poor Land Policies and Land Governance," *Journal of Agrarian Change* 10:1, 2010), there has been a reorientation in the World Bank approach to land rights, seen in the 2003 land policy report which states that communal land rights might also be economically efficient under

- some conditions. This new perspective clearly appears in the LGAF standard. The first indicator concerns the legal recognition of a “continuum of rights” or, in other words, the range of rights held by individuals and groups. Yet, this recognition is associated with a number of conditions. Regulations regarding group rights should specify how user groups organize themselves, adopt internal rules, interact with the outside world and seek the enforcement of these rules calling on external agencies (LGI 1, dimension 3).
- 21 Deininger et al., “The Land Governance Assessment Framework,” 2012, p. 8.
 - 22 “Using independent local experts provides ownership and credibility to the exercise and results in an objective diagnosis that can lay the basis for better-informed policy” (see Deininger et al., “The Land Governance Assessment Framework,” 2012, p. 3).
 - 23 Deininger et al., “The Land Governance Assessment Framework,” 2012, p. 1.
 - 24 See this expression in Eleazar et al., 2013, p. 157.
 - 25 N. Alexander “Fostering Impunity or Accountability? Sweeping Changes at the World Bank-IDA,” Heinrich Boell Foundation, 2010, p. 10.
 - 26 The International Bank for Reconstruction and Development (IBRD), The International Development Association (IDA), The International Finance Corporation (IFC), The Multilateral Investment Guarantee Agency (MIGA), and The International Centre for Settlement of Investment Disputes (ICSID).
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 - 34 IEG World Bank, “Safeguards and Sustainability Policies,” 2010, p. xiii.
 - 35 Vidal, “NGOs criticize...” 2011.
 - 36 Walliser, “Development Policy Lending Retrospective,” 2006, p. ii.
 - 37 Global Witness and Bank Information Center, “World Bank Safeguards...” 2013, 20.
 - 38 Ibid, p. 1-2.
 - 39 IEG Evaluation Sec. 2.61, cited in Global Witness and Bank Information Center, “World Bank Safeguards...” 2013, p. 2.
 - 40 Alexander, “Fostering Impunity or Accountability?” 2010, p. 8.
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 - 43 World Bank Inspection Panel, “Democratic Republic of Congo...” 2007, p. x.
 - 44 Ibid., p. xxvi.
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Banking on Land

By Philip McMichael

Introduction

The land question is a defining issue of our time. Quite possibly, if current trends continue, by 2050 another 1.3 billion small-scale producers will be cleared from the land—by fiat, fraud or force, as the status of arable and common lands as a financial asset deepens.¹ Recent “land grabs,” with estimates ranging from 35 million to 86 million hectares are underway in Europe, where “tens of thousands of small farmers are being thrown out of farming every year,” with a similar pattern occurring in the global South.² This is not about economies of scale (with externalities) asserting themselves as corporate concentration of land proceeds. Rather it is a process engineered by the development institutions, with the World Bank taking a lead, the G8, and host governments in a coordinated project to capitalize land to ensure the supply of food, feed and fuels to global markets servicing the needs of relatively affluent and influential consumers. The “world” is being fed with promises of closing the “yield gap” by intensifying large-scale industrial agriculture and/or encompassing agrarian regions within value chains to extract various forms of energy to sustain an unsustainable habit of over-consumption.

While recognizing the latter as problematic, nevertheless states and firms are locked into an extractive treadmill sustaining their power, but deepening systemic fragility. Under these circumstances, Bank modeling can only extrapolate from the present, without problematizing its unsustainable and inequitable outcomes. Thus the Bank observes: “To meet projected demand, cereal production will have to increase by nearly 50% and meat production 85% from 2000 to 2030. Added to this is the burgeoning demand for agricultural

feedstock for biofuels.”³ In spite of claims to think “afresh” about agriculture, “meatification” of diets⁴ “becomes normalized in taking the current demand for food as the basis for assessing the overall land-space needed for agriculture, when the current demand for food is not an immutable function of humanity’s dietary needs.”⁵ With feed crops capturing a third of arable land, and land grabbing favoring agrofuels, the land-space question has propelled the Bank and its allies into a new chapter in the history of agrarian development.

Banking on Development

After a quarter century of neglect (under structural adjustment mandates) and erosion of small-scale farming (by artificially cheapened agribusiness food surpluses) the so-called “new agriculture” was launched. The canonical text was the “World Development Report 2008,” in which the World Bank declared: “it is time to place agriculture afresh at the center of the development agenda.” The new agriculture would be “led by private entrepreneurs in extensive value chains linking producers to consumers,” with the expectation that the private sector would drive “the organization of value chains that bring the market to smallholders and commercial farms.”⁶ This was a vision of improving productivity, farmer incomes and rural development centered on smallholder farming. While this was a global vision, the principal target of the value-chain-driven “new agriculture,” was to be Africa, where small-scale producers occupy 80% of land holdings.

The vision was faulty from the start. Small-scale farmers do not represent an early, or initial, stage



Photo by Douglas Mansur

of development. They are not incipient, or potential, business people waiting for investment opportunities to go commercial.⁷ They are already significant investors. According to a report by a high-level panel of experts for the Committee on World Food Security, entitled “Investing in Smallholder Agriculture for Food Security,” smallholders are “the main investors”⁸—through the exercise of labor in improving soils, seeds, tools, herds, water circulation, and so on. The Report underlines the different conditions of financial investments and labor investments. While financial investment seeks to augment value (product and profit, expressed monetarily), labor investment is a multi-functional livelihood practice involving both material needs and rights (to produce food). The only connection between the two forms of investment is that financial investment aims to replace labor. Its goal is to eliminate farmers and farming.

That is, while there is a difference, the difference is that one form of investment is premised on the disappearance of the other form.⁹

The other form, labor investment, is well defined by the high-level panel’s report:

Smallholder agriculture is practiced by families (including one or more households) using only or mostly family labor and deriving from that work a large but variable share of their income, in kind or in cash... it includes crop raising, animal husbandry, forestry and artisanal fisheries.... Off-farm activities play an important role in providing smallholders with additional income and as a way of diversifying risk... smallholders producing only or mainly for subsistence are not uncommon... smallholder’s families are part of social networks within which mutual assistance and reciprocity

translate into collective investments (mainly through work exchanges) and into solidarity systems.¹⁰

Additionally, the report continues: “Smallholder agriculture is the foundation of food security in many countries and an important part of the social/economic/ecological landscape in all countries,” and the “potential efficiency of smallholder farming relative to larger farms has been widely documented, focusing on the capacity of smallholders to achieve high production levels per unit of land through the use of family labor in diversified production systems.”¹¹

Use of the term “investment” to trigger the “new agriculture” trivializes the culture of the small-scale producer, a culture that contributes to the production of 70% of the world’s food.¹² Privileging financial investment enables a “control grab” over (farming) labor, and therefore land and its bounty. Following the “food crisis” of 2007-08, “investment in agriculture” has been the mantra among the development institutions, G8, and even the terms of reference of the Committee on World Food Security (CFS). In context of the so-called “land grab,” both the Bank and the CFS are devoted to “responsible” investment. In effect, the focus on governing large-scale investment has obscured the significance of labor investment on the part of millions of small producers, as the institutions attempt to legitimize only one form of investment – the financial form.¹³ Under these circumstances, neither the Bank nor the CFS pays much attention to the essentially orthogonal meanings of “investment” across the industrial/low-input divide between corporate agriculture and family-based farming, respectively. The dominant economic understanding of investment (as an input-output relationship regardless of place) substitutes for all investment, effectively consigning small-scale producers (and their potential ecological investments) to a status of backwardness. There is of course a self-fulfilling prophecy here, as decades of assault on the viability of small producers through dumping of “cheap” agricultural commodities in markets, and

through dismantling public supports has leveled, not the playing field, but small producers’ fields. In 2007, the Bank declared, with unintended irony:

There is now general agreement that the state must invest in core public goods, such as agricultural research and development, rural roads, property rights, and enforcement of rules and contracts, even in highly industrialized economies . . . The agricultural bureaucracies remaining after structural adjustment are particularly weak, however, and lack the capacity to implement the agriculture- for-development agenda in partnership with the private sector and civil society.¹⁴

The solution was not to restore the health and viability of small-scale producers with public subsidies and institutional supports.¹⁵ Rather, the solution has been to renew the legitimacy of the World Bank as the premier development institution, brokering financial investment and feeding the world the dictum that the food crisis was a productivity crisis, requiring large-scale agricultural investments and/or incorporation of farmers into commercial circuits via value-chains. Represented as rural development, these initiatives impose forms of industrial agriculture (as markets for agro-inputs, and sources of food, feed and fuel for processors and retailers and those global consumers with purchasing power) on agrarian regions that might well serve a global purpose of recycling living carbon and renewing soil and water health, rather than accelerating carbon emissions and further degrading environments. At a time when low-input farming is essential to combating climate uncertainties and the environmental degradation described by the UN Millennium Ecosystem Assessment (2005), and advocated by the International Assessment of Agricultural Science Technology and Development,¹⁶ to marginalize or eliminate low-input forms of (labor) investment is to be anything but forward looking (not to mention the question of recognizing and protecting rights of current land-users).

The Value-Chain Project

The agro-industrial solution, as a global project, emerged around the time of the 2008 World Food Summit when the UN Food and Agriculture Organization (FAO) Secretary-General Jacques Diouf advocated bringing “African agriculture into line with changing conditions worldwide” to prevent “its agricultural trade deficit to deteriorate any further” in the event that food surplus nations reduced exports. The African small producer, representing a substantial remnant of peasant culture in the world, has become the new object of development,¹⁷ especially given that Africa holds a disproportionate amount of unused suitable cropland, such that more than 80% of arable land expansion is projected for sub-Saharan Africa and Latin America.¹⁸ Addressing the G-8 summit in July 2008, World Bank President Robert Zoellick underlined the new priority stemming from the food crisis of giving “small farmers, especially in Africa, access to seeds, fertilizers and other basic inputs.”¹⁹

The Bank’s vision complemented financial injections from the development industry and philanthropic organizations. A key player in value-chain agriculture, the Alliance for a Green Revolution in Africa (AGRA), was initiated in 2006 with \$100 million from the Gates Foundation, supplemented by \$50 million from the Rockefeller Foundation, with an additional \$40 million for its Africa’s Seed Systems, and \$180 million the following year for soil health programming.²⁰ As the food crisis unfolded, Zoellick announced a 50% increase in the Bank’s financial support for global agriculture, amounting to \$6 billion, in addition to a need for “seeds and fertilizer for the planting season, especially for smallholders in poor countries.”²¹ The Bank’s 2008 “World Development Report” coincided with the 2007-08 food crisis, focusing attention on increasing crop yields in Africa through new seed technologies, fertilizers and other inputs as part of new value chains, supported by private investment.

Mindful of peasant prospects in a global age, the World Bank notes that, because of competition

“globalization favors larger-scale operations in the quest for increasingly higher trade volumes to counter ever tighter margins”—meaning that food corporations desire “increasing business concentration on the supply side in value chains.” Therefore, “the challenge facing small farmers is how to gain greater access to markets, enhance their value chain position and increase their value-added.” And, because small farmers are at the “bottom of the value chain,” they require special support to avoid marginalization. The Bank’s report goes on to call for public sector support for infrastructure improvements – essentially to support incorporation of producers into corporate circuits.

While the value-chain project attracts funds from a variety of development agency sources, a “prototype” is AGRA. Represented as an intervention designed to improve smallholder productivity, AGRA plans a broad agro-dealer infrastructure (10,000 agro-dealers) encompassing farmers in value-chains comprised of agro-inputs and contracts for delivery of produce to processors and retailers to retire contract debt. The Rome Food Summit secured for AGRA a pivotal agreement on developing and promoting a commercial seed sector in Africa.²² There followed a subsequent agreement with the Millennium Challenge Corporation (MCC) to provide “technologies, infrastructure and financing” to Africa’s farmers,²³ but at the time producer representation was absent from the AGRA governance structure, dominated by large investors and biotechnology representatives.²⁴

This kind of value-chain program invests in African agriculture by eliminating producer investment (of labor) in the resilience of farming resources. That is, the value-chain creates an agro-industrial sector unable to self-reproduce, being entirely dependent on agro-chemical and/or biotechnical inputs. Capitalization of the land is financed, not necessarily by foreign investment, but, according to the vice president of AGRA, often by

successes in leveraging commercial banks to lend to agriculture in East Africa. With the use of \$16

million in loan guarantees for commercial banks, AGRA has been able to leverage \$170 million in market-based and affordable loans for smallholder farmers and agricultural value chains that support them in Tanzania, Uganda, Kenya, Mozambique and Ghana. What is needed now is to scale up commercial bank lending to the agricultural sector through the development of markets for risk sharing instruments.²⁵

It is commercial investment, yes, but often raised locally and then passed on as credit to the producers, so that this value relation becomes a chain of debt, with producers absorbing the risk.

In a comprehensive mapping of the converging threads of the African green revolution, Daño observes:

While there are a few African personalities to have prominently emerged in the process of implementing the New Green Revolution scheme, the lead players and the orchestrators are not from the continent, let alone from the ranks of the poor farmers in whose name the so-called revolution is being waged... As in most schemes, the political architects are often not the individuals whose faces we see in the implementation but are most likely institutions whose ideologies and worldviews set the direction of the different components that define the whole.²⁶

Rather than viewing the New Green Revolution in Africa as a conspiracy, Daño's point is that it is "more the result of a systematic convergence of interests of various actors guided by a similar worldview on Africa." Key to such interests are the strategic philanthropy of the Rockefeller Foundation, "now combined with the financial muscle and liberal economic vision" of the Gates Foundation, whose financial resources "are attracting the interest of poor African governments, making them more amenable to the suggestions of institutions from outside Africa."²⁷ And, in a mushrooming of public private partnerships,

Mindful of peasant prospects in a global age, the World Bank notes that, because of competition "globalization favors larger-scale operations in the quest for increasingly higher trade volumes to counter ever tighter margins"—meaning that food corporations desire "increasing business concentration on the supply side in value chains."

public support from the G8, the World Bank, the International Fund for Agricultural Development (IFAD) and the African Development Bank has expanded infrastructural lending to the African agricultural sector. Thus:

Concentrating ODA funds on public goods will free up domestic resources to focus on providing support to smallholder farmers to take advantage

of new agricultural technologies to raise agricultural productivity. It is also equally important that these new investments focus on the breadbasket areas of African countries... where returns to agricultural investments would be much higher.²⁸

In other words, African agriculture can be selectively reorganized via injections of public aid for private purposes. These visions are particularly historic. First, as Daño suggests, developers have learned hard lessons from the Asian green revolution, and deploy public research institutions “at the forefront in Africa, along with their philanthropic backers,” complete with corporate representatives who are able to “directly influence decision-making and research priorities.” Accordingly the “tentacles of the neo-liberal order have now gone beyond the business sphere, creating an intricate web of dynamics and relationships between business and philanthropy, government, public research and non-government organizations.”²⁹

Large-Scale Land Acquisition

Of course, the target of commercial investment is not simply the producer turned indebted laborer within a value-chain web. Large-scale investment directly in acquiring land for food, feed and fuel plantations is the complement of the contract-farming project. The Bank has been at the center of the so-called “large-scale land acquisition” process, intensified in context of the “food crisis” when large grain exporting countries instituted export bans, and food-dependent states (East Asian, Middle Eastern in particular) sought to secure future supplies of food (and sometimes fuel) by investing in agriculture offshore, complementing private investor interest in “land grabbing.”³⁰ Since national governments manage the passage of land (by lease or purchase) into private or sovereign wealth hands, they are the focal point for identification and classification of land availability, assisted by the World Bank, with its Foreign Investment Advisory Service (FIAS) easing land titling processes, on the pretext that some lands are “idle” or “unproductive” or

“unused,” and follow-up by the Bank’s International Finance Corporation (IFC).³¹

Facilitating the process of instituting land redefinition to facilitate large-scale (financial) investment, the Bank’s rationale is economies of scale, clearly spelt out by its chief economists:

[R]ecent innovations in breeding, zero tillage, and information technology ... make supervision easier. By facilitating standardization, they allow supervision of operations over large spaces, reducing owner-operator advantages. Pest-resistant and herbicide-tolerant varieties reduce the number of steps in the production process and the labor intensity of cultivation. The scope for substituting information technology and remotely sensed information on field conditions for personal observation to make decisions increases managers’ span of control. Also, importing countries’ increasingly stringent requirements on product quality and food safety throughout the supply chain increase the advantages of large-scale production and an integrated supply chain. Establishing such a supply chain can be more difficult under smallholder production models.³²

Mindful of the backlash from large-scale land acquisition, the Bank has focused on elaborating Responsible Principles of Agricultural Investment (PRAI), within a framework privileging (financial) investor rights (omitting small producer input), and advocating “environmental sustainability.” Together these foci are telling, as they ignore the zero-sum relation between financial and labor investment forms (as above), and seek to reduce environmental impacts only, in turn ignoring the environmental benefits of low-input farming that depends on renewing nutritional and hydrological cycles for maintaining soil health and biodiversity. The Bank’s PRAI principles for land governance, in focusing on how to regulate investment and land use capitalization, divert “attention from what is wrong with the economic development model it aspires to, and from the key role of land in

the model. It also diverts our attention away from coming to terms with how rural poor people's land (and water) rights, interests and concerns must be prioritized and promoted, and not just recognized and protected."³³ Meanwhile, host governments have been largely distracted by the Bank's "Doing Business" rankings, which order states according to how well their business environments facilitate land investments and commercial production systems. By establishing a competitive environment—both within states and between states—the Bank manages to leverage public resources and public commitments to commodification and capitalization of land, often common property resources upon which rural communities and producers depend for their livelihood and identity.

Once again, the developmentalist assumption that small-scale farming is an unproductive "poverty baseline" is at work. Such a baseline assumption informs the Bank's PRAI regarding the development opportunity of large-scale investments in farmland (in context of the land grab). However, as the UN Right to Food Rapporteur notes:

We should not ask simply whether such investments represent an improvement from the status quo ante, i.e. from a situation in which land is considered underutilized due to the lack of investment. Using such a baseline is introducing a bias in the debate, particularly against the background of years of underinvestment in, and neglect of, agriculture. We should ask instead whether such land could not be used more productively, in ways that are both more equitable and more environmentally sustainable, by agrarian reform...³⁴

De Schutter's identification of the opportunity cost of ceding land to large-scale investments captures the essence of the proprietorial ontology embedded in a one-sided (and one-dimensional) attachment to "economies of scale" in agricultural production. Such projection rules out alternatives, foreclosing the future by commodification.

Arguably, this "governance" approach, premised on facilitating financial investment in large-scale operations (whether plantations or value-chain complexes) is now undergoing a process of intensification, with the Bank's recent development of a program of "Benchmarking the Business of Agriculture," in response to a request by the G8 for agricultural sector benchmarking. As the Bank states, this is "a new project that gives users information and objective measures to understand where their economies are in the process of agricultural transformation, and identify areas of improvement."³⁵

Akin to a high-school grading regime, such benchmarking reproduces invidious comparison, compelling states to intensify competition for financial investments by privatizing public resources and practices. It also reproduces a mindless developmental narrative oblivious to the need to rethink development trajectories in an era combining a contradictory unity of "land clearing" of food producers, and rising environmental and climatic uncertainty. Central to the Benchmarking project is the capitalization of land and its conversion into an economic sector. Thus a recent title from the Bank's key economist, Klaus Deininger and colleagues, is "The Land Governance Assessment Framework: Identifying and Monitoring Good Practice in the Land Sector" (2011). To redefine rural habitats for farmers, pastoralists, forest-dwellers and fisher folk as a "sector" is to reduce rural society and its investment of labor for the reproduction and regeneration of farm cultures to an economic calculus alone, fit only for financial investment, which, as above, is premised on the replacement of labor with external inputs, concentration and mono-cropping. This of course is necessary to the new Benchmarking project that

aims to provide governments and policymakers with information to improve national decision making around agricultural policies, so that the enabling environment for commercial farms can be improved and a strong and modern commercial agriculture and agribusiness sector can emerge.³⁶

Conclusion

Such institutional developments in “land governance” would not be undertaken if there was no expectation, or plan, to move the large-scale land acquisition project forward, including enveloping smallholder land in value chains that in effect capture land, labor and water. Large-scale land capitalization is taking its time because of ignorance on the part of distant investors, or uncertainties in national laws, politics and cadastral information. But the Bank is seeing to these obstacles, not only directly with interventions and loans to standardize land classification and commodification, but also by deploying a competitive benchmarking operation to seduce indebted national governments into privatizing their resources and practices to encourage an exclusionary process of substituting financial, for labor, investment. As the right to produce is increasingly transferred to a system of “agriculture without farmers,” the possibility of maintaining a sustainable system of low-input food production for local and national citizens is threatened. In the meantime, the right to produce via a low-input system is the centerpiece of the food sovereignty movements mushrooming across the world in anticipation of inheriting Earth as the industrial system undermines itself.

Notes

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- 3 World Bank, “World Development Report 2008: Agriculture for Development,” Washington, DC: The World Bank, 2007, p. 8.
- 4 Meat production creates a substantial “ecological hoofprint” (as Weis wrote in his 2013 book by that name)—not only does the industrial food system expend 10–15 energy calories to produce 1 calorie of food (according to GRAIN), but agriculture accounts for 22–30% of global greenhouse gas emissions, with livestock (including its feed and transport) accounting for nearly 80% of this. See McMichael et al., “Food, livestock production, energy, climate change, and health,” *Lancet*, September 13, 2007; the World Bank’s 2008 World Development Report, 2007, p. 17.
- 5 T. Weis, *The Global Food Economy: The Battle for the Future of Farming*. London: Zed, 2007, p. 168.
- 6 World Bank, “World Development Report 2008,” p. 1, 7.
- 7 This is the image portrayed by the initiative, Grow Africa, (growafrica.com) centered in the Comprehensive African Agricultural Development Programme (CAADP), a new partnership of NEPAD, the WEF and the African Union.
- 8 Committee on World Food Security, “*Investing in Smallholder Agriculture for Food Security*,” Rome: FAO, 2013, p. 34. <http://www.fao.org/3/a-i2953e.pdf>
- 9 It is not for nothing that La Vía Campesina refers to industrial agriculture as “agriculture without farmers.”
- 10 Committee on World Food Security, 2013, p. 10–11.
- 11 Ibid, p. 11–12.
- 12 ETC Group, “Who Will Feed Us?” November 2009. <http://www.etcgroup.org/content/who-will-feed-us>
- 13 Hence UN Right to Food Rapporteur, Olivier De Schutter, characterized this as “responsibly destroying the world’s peasantry” (2010).
- 14 World Bank, “World Development Report 2008,” p. 247.
- 15 The vast majority of which support energy and agribusiness interests, making a mockery of so-called economies of “scale efficiency.”
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- 30 P. McMichael, "Land grabbing as security mercantilism in international relations," *Globalizations* 10:1, 2013, p. 47-64.
- 31 IFC expenditures in Sub-Saharan Africa rose from \$167 million in 2003 to \$1.8 billion in 2009 (See S. Daniel, "(Mis)Investment in agriculture. The role of the international finance corporation in global land grabs," Oakland Institute, 2010). Thus: "benchmarking produces comparisons and contrasts that will stimulate policy change" (See World Bank, "*Benchmarking the Business of Agriculture*," 2014)—policy change, that is, in the Bank mold, now termed "the process of agricultural transformation"—involving reforms "towards a more favorable enabling environment (to) support the growth and productivity of small, medium and large-scale smallholder farmers engaged in agribusiness" (Idem).
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Financial Capital and Land Speculation in Brazil

By Fábio Teixeira Pitta and Maria Luisa Mendonça

Translated by Karen Lang

The global economic crisis that emerged in 2008 increased the role of financial capital in the agricultural land market in Brazil. During times of economic instability at the international level, land market speculation serves to facilitate the circulation of financial capital. This trend is stimulated by investment funds seeking to generate returns for their creditors and by credit systems.

The Brazilian State expands its debt in order to make lines of subsidized credit available to agribusiness by selling national treasury bonds on the financial market. According to the 2013-2014 Agriculture and Livestock Plan,¹ the amount allocated to agribusiness through the rural credit mechanism increased five-fold over the past decade, jumping from R\$27 billion in 2003-2004 to R\$136 billion for the 2013-2014 harvest year.

The role played by financial capital on land speculation was facilitated by changes in financial markets' regulations that had a great impact on land governance. François Chesnais has written about the policies introduced in the 1950s to deregulate the credit system. The economic hegemony of the United States and the project to "rebuild" Europe during the post-World War II period (1945) led capital derived from salaries and pensions to accumulate in the banking system. In addition to this concentration in the banking system, other institutions—including pension funds and insurance companies—began to engage in operations involving interest-bearing capital. This resulted in the transferal of an enormous amount of social surplus value to the private sector.

Chesnais observes that, "The influx of uninvested resources accelerated at the beginning of the 1970s, as the dynamism of the 'golden age' (1945-1970) dwindled. Governments were forced to prolong its duration by creating large amounts of credit."² The continuity of credit systems in the 1990s was guaranteed through the creation of new financial mechanisms that allowed national states to renegotiate their debts.

The root of this process is in the particular form or the *appearance* that private property acquires, described as "patrimonial property"—that is, through the figure of the "owner-shareholder" or "landlord."³ This is the meaning of fictitious capital, which *appears* as the creator of more money without having to pass through the productive process. It is the *appearance* that money can increase its own value that constitutes its fetishist character, which Marx ironically compares to the capacity of a "pear tree" to "give pears."⁴ In other words, the fetish is the *naturalization* of the illusion that money is self-expanding in value. Thus, prolonged rounds of creating fictitious capital and its detachment from the real basis of producing value through the exploitation of labor are causes of the phenomena of capital crises.⁵

After the crisis of over-accumulation that marked the 1970s, new mechanisms to deregulate the international financial system emerged to facilitate the increase in capital flows towards peripheral countries, which eventually led to the "debt crisis" in the 1980s. During this period, neoliberal policies



Photo by Douglas Mansur

were adopted as ways of creating fictitious capital and guaranteeing new flows of social surplus—value to transnational corporations, especially those operating in sectors providing basic consumer goods with high profit potential, including energy, agriculture, mining, telecommunications, water, sanitation, health and education.

The privatization of pension and retirement funds, together with the establishment of external debt payments at floating interest rates, increased financial accumulation. Exporting capital to peripheral countries was one way of increasing the extraction of surplus value through the use of cheaper labor, the appropriation of raw materials, and the circulation of financial capital in the form of debt. This strategy was facilitated by neoliberal trade liberalization policies adopted to free up the global flow of commodities. This international trend is part of the logic of capital accumulation in its monopolist phase, manifested in

the form of a crisis via a contradictory process that combines “falling profit rates with phases of rapid financial accumulation.”⁶ This process was reaffirmed by recent manifestations of the international economic crisis, which reestablished financial capital as the determining factor of capitalist accumulation based on cycles of debt.

Financial Capital and the Industrialization of Agriculture in Brazil

Agribusiness corporations use their access to credit to speculate on the financial market. A recent example of this can be found in the sugarcane industry, where many companies used these funds to speculate in foreign exchange derivatives. Several sugarcane and ethanol plants took advantage of the cycle of high commodity prices and the appreciation of the Brazilian Real (R\$) in the years prior to the 2008 crisis to take

out cheap loans in US dollars. With the reversal of this trend and the appreciation of the dollar against the real, many mills went bankrupt. In 2011, the sector accumulated more than R\$4 billion in losses in foreign exchange transactions.⁷ Coincidentally, in January of 2012, the Brazilian government freed up R\$4 billion for the sugarcane industry, which was to be used specifically for plantation renewal.⁸

The global economic crisis of 2008 altered the profile of agribusiness in Brazil. It stimulated the entry of foreign corporations from various fields—not only agriculture, but also finance, automotive and oil—into the sector. This process occurred mainly through mergers and acquisitions, which led to an even greater concentration of capital. Companies opted for this line of action with the intention of increasing their capital and other assets, such as machinery, land and subsidiaries, among others. As a result, their share prices have become a fundamental part of their market value and serve as a parameter for obtaining credit.

Luiz Gonzaga Belluzzo explains that a company's ability to acquire more debt in order to continue investing increasingly high amounts of capital is directly tied to its size—that is, to the value of its assets.⁹ The need to purchase land and machinery, together with the tendency to speculate on financial markets to obtain higher-than-average profits, are driving the current expansion of “productive” capitalism. As agribusiness companies modernize the production process, they replace workers with machines, which makes capital accumulation even more difficult. This, in turn, fuels financial speculation and the need to acquire more debt.

In the current phase of capitalism, the contradictory and complementary relation between agricultural and industrial capital, or between rural and urban sectors, has become more apparent. The “*industrialization*” of agriculture falls within the scope of the contradictory relation between crisis and capital accumulation. The investment of higher amounts of capital in industrial

inputs promoted the expansion of the agribusiness model and, at the same time, increased its debt. The state, for its part, acts as the mediator of bank loans for agribusiness, increasing public debt for the benefit of corporations that provide industrial supplies for agriculture.

The concentration of capital in the hands of transnational corporations from the agricultural supplies and trade sector was consolidated primarily at the time when the US dollar was adopted as the international reserve currency. This move generated “financial availability all over the capitalist world.”¹⁰ In Brazil, this period was marked by the so-called “economic miracle” of 1969 to 1973, during which the major influx of foreign capital and increases in industrial imports intensified the industrialization of agriculture.

In the early 1970s, this apparently expansionist process brought on a global economic crisis. Its main impacts in peripheral countries were exchange rate fluctuations and rising interest rates, which generated the debt crisis or what is known as the “lost decade” of the 1980s. During that period, the government justified establishing extensive and mechanized agriculture as the priority of state support by arguing that it was necessary to pay off the country's foreign debt and to ensure “balance” in its balance of trade. Dependency on industrial supplies in agriculture, however, increased deficits in the balance of trade.

The industrialization of agriculture in Brazil demanded that the technical basis of traditional farming be replaced by industrial supplies. To support this transition, the government adopted a specific policy on subsidized credit and foreign trade, which included tax incentives and new sources of funding for infrastructure. The creation of the National Rural Credit System (Sistema Nacional de Crédito Rural, or SNCR) in 1965, which provided subsidized funding through state banks, was essential for the promotion of the industrialization of the sector. Between 1969 and 1976, rural credit in Brazil increased on average

23.8% per year.¹¹ The role of financial markets in agriculture increased economic instability and contributed to the external debt crisis in the 1980s.

In a context where financial capital shapes the productive process, it is important to note that the adoption of a floating interest rate system constitutes yet another factor that fosters financial speculation and the formation of agro-industrial monopolies with privileged access to subsidized interest from the state. This type of resource, commonly called *investment* and interpreted as the *costs* or *risks* of capitalists, constitutes a transfer of social surplus to the private sector. As such, one may conclude that the *product* of agribusiness is not, for example, soybean, cattle, sugarcane, oranges, or eucalyptus trees. Instead, it is the appropriation of capital, either in its financial form (debt), or through the expansion of agriculture via the appropriation of monopolizable, natural productive forces, such as land, water and biodiversity.

In capitalist agriculture, in addition to constant capital's greater immobility due to dependency on industrial supplies, land as the productive base also constitutes a limit to the circulation of capital. However, the relationship between the financial market and the land market stimulates speculation, as land begins to serve as the material basis for increasing the circulation of capital. The land market, characterized as financial operations involving land titles, plays the role of "unthawing and financing fixed capital investments."¹² Land ownership becomes "a natural, non-reproducible good" that can take on the form of "monopolizable equity securities (shares, bonds and government bonds) and even, money."¹³ This analysis helps to clarify the relationship between land markets and financial markets, which are intertwined in the crisis-capital accumulation cycle.

The goal of alternating between times when capital circulates more freely (expressed via the money market) and moments when the immobility of capital increases (expressed as companies' financial

"assets," such as land and constant capital) is to present such assets as "guarantees" for access to credit. The operations of banking, insurance, real estate and industrial firms are involved in the expansion of the land market. The state plays a central role in this process, as a funding agent and an agent that turns over public land to the private sector.

The search for valorization leads the organic composition of capital and labor productivity to increase until it is no longer possible to exploit labor as a source of value. Kostas Vergopoulos suggests that the differentiation in the organic composition of capital allows for "flows and transfers" of social surplus value. However, "it does not appear as an external and absolute restriction, but rather an internal limitation that is constantly displaced by the flow of capital."¹⁴ Thus, it is the search for valorization that determines the role of foreign trade in capitalism, or the incorporation of productive sectors with a less advanced organic composition like agriculture.

The uniqueness of the capital-labor relation in capitalism lies fundamentally in the concept of labor as a *concrete abstraction* in Marx's terms. The development of productive forces that expulses live labor from the productive process does not, however, diminish the importance of centering an analysis on the capital-labor relation, even if labor is represented dialectically by its negative identity—that is, by the absence of labor. Therefore, the contradiction should be understood in terms of the relation between constant and variable capital, and not between workers and machines.¹⁵ Capital's *product* is value or the search for the valorization of value, and therefore, technological advances will only be stimulated if they mean increasing the possibilities of extracting surplus value. Competition serves as a determining factor in the development of productive forces and, simultaneously (dialectically), as an element of *rationality* or *coercion*—to use Marx's terms—in a predominately *irrational* move towards the formation of a growing number of monopolies or greater capital concentration. This move is generated by competition

itself, which, at the same time, eliminates capitalist competition.¹⁶

The formation of monopolies ensures major corporations the power they need to demand access to credit and subsidies. However, this process can lead to a crisis of over-accumulation, which is characterized by the increase in the organic composition of capital. Mandel described this process as a “crisis of over-capitalization,” which arises when, “the total mass of available surplus-value is no longer able to guarantee all capital the expected profit rate.”¹⁷ The crisis accentuates the *detachment* of capital-money from the productive process, thereby stimulating an increase in the exportation of capital to the *periphery* of the system in search for valorization. It was in this context that the 1980s debt crisis and the industrialization of agriculture in peripheral countries took place.

The Sugarcane Industry in Brazil and its Domination by Fictitious Capital

Growth in the sugarcane industry’s debt was stimulated by the military dictatorship (1964-1985), when the *industrialization* of agriculture was at its peak in Brazil. Its growth accompanied the expansion of Brazil’s foreign debt, which was generated by offers of “idle” international capital seeking to appreciate in value by providing credit to peripheral countries. Launched in 1975, the Pro-Alcohol Program created the sugarcane industry’s main source of credit, as it provided subsidized credit with negative real interest rates to the sector.¹⁸

In 1983, when the so-called “debt crisis” hit Latin America, the Brazilian State’s borrowing capacity reached its limit. Reduced credit availability forced several plants to declare bankruptcy and ethanol production fell. From 1986 on, with the declaration of the Brazilian moratorium, the methods for rolling over external debt were changed. The crisis encouraged creditor countries to create new mechanisms to

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facilitate the circulation of financial capital. These mechanisms allowed cash flows to expand, which triggered an inflationary process on the value of government bonds. This initiated a new round of credit in the early 1990s, shortly before Brazil renegotiated its foreign debt moratorium in 1994 via the Brady Plan.¹⁹

The creation of secondary bond markets and securitization mechanisms increased the supply of money on the financial markets. With this, Brazil's debt underwent change in the 2000s, as it was internalized and grew exponentially. In parallel to this, the sugarcane industry resumed its expansion, which had been stagnant throughout the 1990s.²⁰

The ethanol sector was affected again shortly after the eruption of the global financial crisis in 2008, as restrictions on access to credit forced several plants into bankruptcy. This fact confirms that from the time of the Pro-Alcohol program up until its recent expansion, agribusiness has had a constant need to rollover its debts. Debt rollovers take place in a context where financial capital prevails over various "productive" economic sectors. There is thus a connection between the mechanisms that fostered the expansion of financial markets and land governance in Brazil.

Financial capital establishes money itself as a good that generates more money. To do so, it may or may not pass through the production process. When agribusiness accesses credit to pay off previous debts, this capital is described as fictitious as its remuneration extrapolates its capacity to exploit labor. In the 1990s, with corporations offering shares on the market and pension funds investing in agribusiness, new financial mechanisms were created, which allowed for the use of debt rollovers as a form of capitalist reproduction.

Capitalism has not always been dominated by this largely fictitious form of financial capital. This process accelerated mainly in the 1990s with the deregulation of financial markets. In Brazil, foreign investors' profit remittances were also deregulated. This facilitated financial capital's entry into the country, allowing it to invest in government bonds and to transfer out of Brazil in order to guarantee its profits. This procedure is known as the "securitization of debt,"²¹ and allows not only one bank or financier to lend money, but rather various investors to invest in the same financial asset.

Among these assets, one can currently find the debts and shares of sugarcane and ethanol plants, as well as Brazilian government bonds traded on secondary markets. Brazil's need to roll over its internal debt (which exceeded its external debt in the 2000s) led the Brazilian Development Bank (BNDES for its abbreviation in Portuguese) to offer new lines of subsidized credit for agribusiness. This credit was stimulated by the increase in the prices of agricultural commodities in 2003 and their trading on the futures market. This international cycle began during the crash of share prices on the Nasdaq Stock Exchange.²² Stimulus for commodity exports fostered an increase in the interest rates on Brazilian government bonds.

The upsurge in commodity prices allowed sugarcane plants in Brazil to take on higher levels of debt. They began acquiring debt in US dollars with trading companies, with the expectation of earning returns from sugar traded as a commodity on the futures market (a commodity that is traded on the New York Stock Exchange). The plants made promises on future production to justify their territorial expansion and mechanization, which raised land prices. The use of these promises on production to pay off existing debts led the sector deeper in debt and drove its expansion. Links between agribusiness and financial capital intensified the over-exploitation of labor. The mechanization of the production of commodities expels labor from the production process and increases competition among workers, who end up subjecting themselves to more degrading conditions.²³

The Role of the *Radar Propriedades Agrícolas* Corporation

In the aftermath of the 2008 global economic crisis, agribusiness' possibility of accessing credit based on promises of future production was significantly reduced.²⁴ Several plants with debt in US dollars went bankrupt and commodity prices plunged.²⁵ It is in

this context that corporations began to diversify their operations and merge with others in order to access new interest-bearing capital. One example of this was the creation of the *Radar Propriedades Agrícolas* corporation in 2008 by its main shareholders—Cosan (with 18.9%) and Mansilla (majority shareholder)—in order to speculate on farm land. Data from 2012 indicate that Radar controlled 151,468 hectares assessed at R\$2.35 billion.²⁶ In relation to 2011, the value of its portfolio rose 93%, while land prices increased 56% on average.²⁷

Radar's main source of capital is the TIAA-CREF corporation. It manages pension funds in the United States valued at US\$487 billion and owns TIAA-CREF Global Agriculture, which operates on the international land markets. TIAA-CREF borrows capital from other sources, like the Swedish pension fund, AP2, and the Canadian *Caisse de Dépôts et Placement du Québec*. To operate in Brazil, TIAA-CREF Global Agriculture created a Brazilian holding company, Mansilla, which is associated to Radar and Cosan.

Cosan's capital gains come from other kinds of financial mechanisms, since it went public on the stock market in 2005. By offering shares on the market, it attained a qualitatively different level of financialization: its shares can be traded independently from its production of goods, which constitutes a fictitious form of capital. A company's entrance on the market serves as a form of capitalization or as a promise to produce goods in the future, which then fuels increases in share prices, encourages it to make promises to expand and increases its access to borrowed financial capital. In 2008, Cosan established a joint venture with Shell to create Raízen, which contributed to the concentration of ethanol production in the hands of the oil sector.²⁸

Speculation on farmland can be seen as a new round of idle capital's search for profit at the end of the cycle of high commodity prices (2003-2008),²⁹ which has

caused the price of arable land to grow exponentially. This business consists of extracting revenue from the sale of land by raising its prices prior to the sale. The large amounts invested fuel further hikes in land prices, and this movement of fictitious capital generates revenue. Several corporations similar to Radar emerged during this period. SLC, Brazil's largest producer of grain, manages SLC Land and uses international funds to purchase, sell and lease land. These companies' objective is not to gain direct control over land, but rather to earn income from this business, which changes the mechanisms of land governance.

Financial capital promotes a kind of "outsourcing" of land operations, analogous to the outsourcing of labor that is prevalent in sugarcane harvesting. International funds are exempted from their responsibility in the economic, social and environmental impacts of speculation on farmland in rural Brazil, as they are not considered direct owners of the land.

The territorial expansion of agribusiness happens mainly in regions that are rich in water sources, biodiversity and infrastructure. This context stimulates the crisis, as agribusiness expands in order to generate returns on capital that has been immobilized in the form of investments in mechanization and in the growing need to purchase farm chemicals. The impacts this generates are alarming and will have serious repercussions on the productive capacity of agriculture in Brazil, which continues to be based in the over-exploitation of labor and natural resources.

Changes in financial markets and its impact on land governance in Brazil created highest concentration of capital and debt, associated with a rise in territorial expansion of monocropping and environmental destruction. It is necessary to denounce these policies and to strengthen rural social movements that defend an agriculture system based on diversified production and agroecology, in order to achieve food sovereignty.

Notes

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- 2 François Chesnais, *A Finança Mundializada*. São Paulo: Boitempo Editorial, 2005, p. 38.
- 3 Chesnais, p. 48.
- 4 Karl Marx, *Capital: A Critique of Political Economy: Vol. III*. 5 Volumes. São Paulo: Abril Cultural, 1983, p. 279.
- 5 Robert Kurz, “A ascensão do dinheiro aos céus,” *Revista Krisis*, 1995, n. 16-17.
- 6 Chesnais, p. 60.
- 7 Fábio T. Pitta, *As transformações na reprodução fictícia do capital na agroindústria canavieira paulista: do Proálcool à crise de 2008*, PhD dissertation, Faculty of Philosophy, Literature and Human Sciences, University of São Paulo, 2013.
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- 10 Ariovaldo U. Oliveira, “A Inserção do Brasil no Capitalismo Monopolista Mundial,” In Ross and Jurandyr, *Geografia do Brasil*. São Paulo: EDUSP, 1998, p. 202.
- 11 Guilherme C. Delgado, *Capital Financeiro e Agricultura no Brasil: 1965-1985*. Campinas: Editora da UNICAMP/Ícone Editora. 1985, p. 46.
- 12 Delgado, 1985, p. 194.
- 13 Delgado, 1985, p.195-196.
- 14 Kostas Vergopoulos, “Capitalismo disforme: o caso da agricultura no capitalismo,” In Kostas Vergopoulos and Samir Amin, *A Questão Agrária e o Capitalismo*, Rio de Janeiro: Paz e Terra, 1977, p. 80.
- 15 Henryk Grossman, *Law of the Accumulation and Breakdown*, translated by Jairus Banaji, 1929. Available at: <http://www.marxists.org/archive/grossman/1929/breakdown/ch03.htm>. (Accessed on: 26/05/2014).
- 16 According to Marx, “No capitalist ever voluntarily introduces a new method of production, no matter how much more productive it may be, and how much it may increase the rate of surplus-value, so long as it reduces the rate of profit (...) But competition makes it general and subject to the general law. There follows a fall in the rate of profit” (Marx, Vol. IV, Chapter III, Part I, 1988, p. 189).
- 17 Ernest Mandel, *A Crise do Capital*. Campinas: Editora da Unicamp, 1990, p. 33.
- 18 Fábio T. Pitta, *Modernização Retardatária e agroindústria sucroalcooleira paulista: o Proálcool como reprodução fictícia do capital em crise*. Master’s thesis in Human Geography, FFLCH-USP, São Paulo: 2011.
- 19 Pitta, 2013.
- 20 Xavier, Pitta and Mendonça, *The Sugarcane Industry and the Global Economic Crisis*. São Paulo: Editora Outras Expressões, 2012. Available at: <http://www.social.org.br/relatorioagrocombustiveis2012.pdf> (Accessed on: 26/05/2014).
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- 24 Pitta, 2013.
- 25 The “Debts of plants from the Center-South reach R\$ 56 billion” report on the 2012-2013 harvest confirms that “[using] a sample of 68 groups whose total milling amounted to 390 million tons, Itaú BBA estimated the operating profitability (EBITDA) of the sector at R\$14.4 billion, its financial expenses at R\$5.5 billion and investments (Capex) at R\$13.4 billion, which means that its debt can potentially increase to R\$4.5 billion. Therefore, the R\$56 billion in net debt it had accumulated by the end of the 2012-2013 cycle already equaled the sector’s gross sales, which the Brazilian Sugarcane Industry Association (União da Indústria de Cana-de-Açúcar, Unica) also estimated at R\$56 billion.” *Valor Econômico*, May 24, 2013 (<http://www.novacana.com/n/industria/usinas/usinas-centro-sul-dividas-56bi-240513/>).
- 26 According to the report entitled “Land business ‘invented’ by Cosan is already worth R\$2.3 billion and can help shares”: “Radar, a high tech farm land real estate firm, which, according to some analysts, owns “hidden” assets, will now be part of Cosan’s balance sheet.” IG Notícias, São Paulo, November 28, 2012: <http://economia.ig.com.br/empresas/2012-11-28/negocio-de-terras-inventado-pela-cosan-ja-vale-r-23-bi-e-pode-ajudar-acoes.html>
- 27 Lourenço Moreira. *A Corporação Cosan e a Conquista de um Território em Torno de sua Usina de Etanol em Jataí, Goiás (2007-2012)*. Master’s thesis, Institute of Geosciences, UFRJ, 2013, p. 58-59.
- 28 Xavier, Pitta and Mendonça, 2011.
- 29 Delgado (2012) demonstrates that with the decline in commodity prices in the 1990s, land prices also contracted, which is the opposite of what happened during the military dictatorship, when land prices increased, and to the process unleashed in 2003 that also made them rise.

Moving Forward: The Impacts of Order 01BB in Rural Cambodia

This is an edited version of a longer report by Focus on the Global South published in June 2013. Visit focusweb.org/publications to download a copy.

Introduction

On May 7, 2012, Cambodian Prime Minister Hun Sen issued Order 01BB,¹ which temporarily suspended the granting of Economic Land Concessions and required a review of the implementation of those granted to date. It was to form part of the government's "New Actions" to tackle land disputes, which also involved a land titling campaign, announced shortly after Order 01BB.² This was to be implemented within six months by the relevant ministries and authorities with help from more than 1,000 student volunteers sent out across the country to measure land for villagers and to hand out land titles.³

The student volunteers were dispatched in late June and early July 2012, accompanied by officials from the Ministry of Land Management, Urban Planning and Construction (MLMUPC). They were trained in basic land measurement techniques, kitted out with military uniforms bearing the MLMUPC's logo, and transported by army trucks. Although most news reports focused on the student volunteers, it was MLMUPC officials who had overall responsibility for the program.

The land titling campaign, which critics contended was highly political coming a year before the general

election, was the personal initiative of Hun Sen, and as such received backing from all levels of government.

Media reports made it clear that Hun Sen issued Order 01BB as a direct consequence of the heated issue of land disputes. Land disputes have reportedly affected between 400,000 and 700,000 people in Cambodia—a nation of 15 million people—and are considered a highly sensitive issue.⁴ In its 2013 human rights report, LICADHO states that more than two million hectares of land have been granted as land concessions to companies.⁵ Land disputes have become a near daily event, yet the mechanisms to tackle them have largely failed to work or to address the effects on the livelihoods of the poor, who constitute the bulk of the victims.

This paper is a qualitative study of people's participation and experiences in the process of land measurement through the implementation of Order 01BB. It aims to document the history and process of the implementation of the land measurement program carried out by the student volunteers, as well as the experiences of community people involved.

Legal Aspects of Order 01BB

Order 01BB contains four key elements: first, it temporarily suspended the granting of any new Economic Land Concessions (ELCs); second, ministries, institutions and those authorities with the relevant competencies were to assess ELC contracts and ensure



Photo by Shalmali Guttal

that they did not affect communal lands or the livelihoods of citizens, and thereby warranting that ELCs produced tangible and sustainable benefits for the nation and its citizens; third, companies holding government permits and which had failed to comply with the relevant laws would be stripped of their ELCs; and fourth, this Order would not apply to companies that had previously received permits “in principle” from the government.⁶

The student volunteers were to measure land for rural families facing land conflicts. By working closely with staff from MLMUPC and other relevant ministries, student volunteers would measure land, fill in the requisite forms and hand out land titles. However, the students were not to measure land that was in dispute, and pointedly had no authority to resolve any such disputes. Some analysts felt the implementation of Order 01BB and the mission of the student volunteers was overly ambitious, but the work did seem to move quickly during the first six months, from June to December 2012.

That period also saw numerous amendments to the legal framework of Order 01BB, ostensibly to make it easier for all involved to implement it. An early guideline appeared on the website of the MLMUPC: *The Guideline on the Implementation of Order 01BB issued on May 7, 2012 on the Action to Strengthen and Increase the Effectiveness of the Management of Economic Land Concessions*. Since Order 01BB was publicly announced, more than 200 legal documents—decrees and sub-decrees—have been issued to support, legitimize and facilitate its effective implementation.⁷ This torrent of supporting legislation is unique in this government’s time in office.

The Student Volunteers

Hun Sen called on students to volunteer to assist the authorities with the land titling program, and their recruitment began soon after he publicly announced Order 01BB so as to ensure a speedy start to the

land measurement process.⁸ In June 2012, more than 1,000 student volunteers were recruited from associations and various universities. Some students at universities in the capital reported in interviews that the recruitment drive was posted on boards.

Second-, third- and fourth-year students at Phnom Penh's Royal University of Agriculture were required to join the land measurement campaign. A careful review of the names and political stance of the student associations in Phnom Penh that mobilized the recruitment indicates that most of the recruited students were selected from student bodies that favor the ruling Cambodian People's Party (CPP), such as the Cambodian Democratic Students' Intellectual Federation, which consists of 22 member associations (CDSIF, 2009). CPP activists from other colleges and universities also helped mobilize students to participate.

Before being deployed, the student volunteers received a week of training from specialized staff at the MLMUPC on leadership and on managing their assignment. They were instructed on their roles, how to measure land and how to handle technical equipment such as the GPS devices.

The student volunteers were authorized to measure land according to the legal proceedings recommended by the Supreme Council on State Reform's Council for Land Policy. Hun Sen stressed that, "land disputes are not the role of the student volunteers."⁹ Students generally refused to measure land if it was in dispute, according to residents of those areas. For instance, 300 families in Pursat province confirmed that the students would not measure land for them because they considered that it fell within a Social Land Concession.¹⁰

One study of the impact of the land measurement program on indigenous communities in Ratanakkiri province criticized the way the student volunteers operated, noting that they "have not received training on the way of life, culture and tradition of indigenous people." Gaps in knowledge about the context and

traditional practices of indigenous people, as well as incorrect information disseminated by student volunteers, affected how indigenous families saw the process, with some accepting having land measured for private land title rather than for communal land.¹¹

This lack of training caught the eye of UN Special Rapporteur Subedi, who outlined his concerns in a letter to the Ministry of Foreign Affairs. In his response, MLMUPC Minister Im Chhun Lim stressed that the student volunteers were merely providing assistance to the technical teams that were measuring the land, and that they were learning by doing under the mentoring of the technical teams.

That assurance aside, each student volunteer was expected to fulfill their assignment, and that made the question of oversight and training an important one. For instance, the problem of overlapping titles held by families in Damnak Pring in Kbal Trach village, Pursat province was one of several ascribed in part to technical mistakes made in the measurement process. It cast doubt not only on the effectiveness and precision of the land measurement process, but also on the knowledge of the students who operated the measuring equipment.

Financing and Management of Order 01BB

MLMUPC Minister Im Chhun Lim said in a speech to student volunteers: "The mission to measure the land would not have happened without the support of the Cambodian People's Party."¹² According to reports, Hun Sen and other members of the CPP personally funded the student volunteers.¹³ The *Phnom Penh Post* noted that Hun Sen and his wife had paid for the stipends and materials needed for the student volunteers to ensure that it did not affect the national budget.¹⁴

In his speech to student volunteers before their departure on June 26, 2012, Hun Sen said he would

pay each one 30,000 Riel per day, or approximately 900,000 Riel per month—far more than a typical civil servant's wage.¹⁵ At the party marking the completion of Phase I7, Hun Sen and his wife also gave \$100 to each of the student volunteers and members of the specialized staff, medical staff and logistics staff.

Each group of student volunteers received the following equipment: a handheld GPS for surveying, two iPads for photographing applicants and their documents, one laptop for filing documents and downloading data, official forms and stationery to collect applicants' information, radios for communication in case the mobile telephone networks did not reach certain areas, two mobile phones with a special number for the volunteers linking them directly to Hun Sen's office, one generator and solar panels to recharge batteries, cooking materials, food and other necessities.

Among the public and private institutions that contributed were Metfone, CP Group, Angkor Beer, Vital Drinking Water, Kong Hong Group, and Solar Energy Company.¹⁶ The Cambodian Red Cross—a mainstay of the CPP—provided pots, pans, water filters and tents.

In addition, each volunteer was given a military uniform with the MLMUPC's logo to wear while conducting their work.¹⁷ In a letter to the Ministry of Foreign Affairs, UN Special Rapporteur Subedi cautioned that the use of military uniforms and military trucks to transport the students could create the impression that they were engaged on a military project. The MLMUPC rejected that, saying the uniforms bore the ministry's logo and had been the subject of a public announcement, so people would not be confused.¹⁸

Students seemed to be very conscious of the effect of the uniforms. One young man said:

"Since I was young, I wanted to wear a military uniform but when I grew up I missed the chance

to serve in the military. Thus, when Order 01BB came out, I raised my hand to volunteer. I felt excited when my boss told me that the youth volunteers would wear a military uniform. For me as a man, I must serve this military obligation. Then, I will become a real, strong man."

Hun Sen assigned one of his sons, Hun Manith—then a colonel in the military—to manage the land titling campaign, though he had no experience in land administration.¹⁹ Hun Sen's speech on June 26, 2012, prior to the deployment of the student volunteers, made it clear that Minister Im Chhun Lim was the program's chief of staff while Hun Manith was in charge of equipment and logistics.²⁰

LICADHO's 2012 human rights report noted that while the land titling program "completely bypassed established state institutions set up explicitly to perform such duties." A report from rights group ADHOC drew similar conclusions, stating that the program had been carried out without consultation with the very government institutions that were in charge of land titling and land management.²¹

Those student and youth volunteers who took part in the land titling program received special treatment after they completed Phase I. In late 2012, Hun Sen made it clear that the MLMUPC would give priority to volunteers who had worked in the land titling program when recruiting 600 new staff. In late December 2012, more than 1,600 applicants took the MLMUPC exam, and 599 of former volunteers passed.²² Staff at the ministry said in interviews that students that passed were appointed as technical staff for Phase II of the program.

Interviews with the student volunteers noted that it was a smart way for Hun Sen to secure votes from university students and from villagers in rural areas.²³ Numerous rights activists and experts on land issues concluded that the program was, at least in part, a vote-buying exercise by the CPP ahead of the July 2013 election.²⁴

Others surmised that the program might also be a consequence of donor pressure on the government²⁵ and the critical reports from UN Special Rapporteur Subedi on land disputes and ELCs. Some analysts suggested that other contributing factors may include the murder of land activist Chhut Vuthy and forced evictions and associated violence in recent years.²⁶

Hun Sen and other government officials denied that, and said it stemmed instead from indications it had previously given on land reform.²⁷ Critics wondered why, if it was indeed part of the land reform program, it was being funded by Hun Sen and senior CPP officials and not from the public purse.

People's Experiences Participating in the Land Measurement Process

The land measurement program has been widely covered in the media, with disputes in Pursat province generating the most headlines.²⁸

Other articles focused on the activities of student volunteers in Battambang province. At a ceremony to present land titles to families in one commune in Kors Krolor district, Battambang province, Hun Sen reiterated that the goal of the program was to resolve land disputes between people and companies holding ELCs by measuring the land and granting titles.²⁹

This section presents the findings from 16 villages in four provinces: Pursat, Battambang, Kampong Chhnang and Oddar Meanchey. It also analyses the activities of the student volunteers and assesses the problems faced by some people after they received their land titles.

Documents Required for land Measurement

Villagers told the study team that they were required to provide key records such as their family book,

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yellow book, birth certificates, identification cards, passport photos, and—if the original landowner had died—a letter showing transfer of ownership.

Preparing these documents was difficult for some families, as one former student volunteer admitted when saying that villagers' troubles in providing them had in some cases delayed the land measuring

process, particularly during Phase I. In such cases, the specialized staff and student volunteers had to decide whether or not to accept letters issued by the commune authority in lieu of the proper documents.

Types of Land Measured in the Land Titling Campaign

The Council of Ministers letter No 666 sent to MLMUPC in 2012 specified the type of land to be measured by student volunteers under Order 01BB. This included logging concessions, ELCs, land under the authority of the Ministry of Environment, and state land confiscated by court order from provinces and municipalities.

Villagers told the study team that the types of land measured varied in different provinces. They reported that among the types measured were: fields used for rice and other crops, house plots, other village land, and forest land as per ELC maps. In target villages in Krakor district (Pursat) and Boribo district (Kampong Chhnang), most of the land measured was located in ELCs belonging to Pheapimex and to Ratanak Visal Development Co. Ltd.

Some villagers in Pursat province said the student volunteers had measured only land that had been used for productive purposes such as fields, other farmland and house plots. They refused to measure land that had recently been cleared or that was partly cleared, and noted that they would not measure disputed land. Some villagers in Boribo district said that land that fell into the ELC of Pheapimex, including forest land, was measured and that villagers were granted land titles.

Residents of Anh Chanh Rung village in Boribo district said the following types of land were excluded from the measuring process: spirit forests and other sacred land, land that was home to wildlife, land in dispute, public resting areas (known as sala-bon), mountain land, land around ponds, the land of the

commune office, and railway land. Aside from those exclusions, the villagers said the student volunteers had measured all of the land that the villagers owned.

Collaboration in the Land Measurement Process

Student volunteers worked alongside MLMUPC staff as well as provincial and district cadastral officials, local authorities from the commune and village level, and villagers. One volunteer explained:

“In each community, there is technical working group comprising 12 members from specialized departments such as the Department of Land Management and Urban Planning, the Department of Environment, the Department of Agriculture, Forestry and Fisheries, and the Forestry Administration. Student volunteers needed to collaborate with these technical working groups but we were not under their authority.”

Villagers from Bovel district, Battambang province, told the study team that the provincial governor had set up a people’s committee with between five and seven community representatives to work with the student volunteers to observe the measurement process and to seek resolutions for people who encountered problems. Once the mission finished, the people’s committee was dissolved. This initiative was not reported from other villages where data was collected.

Challenges of the Land Measurement Process, Hopes Regarding Titles

Villagers raised the following challenges encountered during the land measurement process, some of which were echoed by student volunteers:

- Some landowners did not know the precise boundaries of their land.

- Some villagers did not know the names of the landowners whose property bordered theirs. That was problematic because the land measurement process requires owners of neighboring plots to provide their thumbprints as witnesses.
- Some landowners had migrated to other provinces or abroad in search of work, or did not know when the student volunteers were coming to measure their land.
- The land measurement mission was planned and implemented over a short period, and villagers who had migrated did not get information on time. That was particularly pronounced in areas where information-sharing was limited and where no date for measuring land was fixed.

Villagers who talked with the team were very hopeful that the land titles would provide them with legal protection in the event of disputes. They were expected to bring the following benefits: reduce disputes, provide legal protection, ensure compensation for expropriations, be useful as collateral with the bank, allow owners to pass on land, provide legal protection for women in the case of divorce, free landowners from the fear of abuse or arbitrary confiscation of land.

The hopes expressed by villagers mirrored the message from government during the land measurement campaign. That message appears to have been well received in rural areas where people believe that having title will provide them with access to and control of their land. However, any conclusion on the effectiveness of their land titles will need to take into account the realities villagers face once the campaign is over.

People's Concerns About Land Titles

Some villagers in Krakor district, Pursat province, feared the land titling program had undermined community solidarity, and the team found that was particularly true in communities experiencing ongoing conflicts with companies owning ELCs. The reason

was that the land measurement process was not uniformly implemented across all provinces. In some places, the student volunteers measured the land and granted titles, while in others they refused to measure the land. In addition, some villagers reported being verbally threatened by the local authorities or by specialized staff during the measuring process, while others whose land had been measured were barred from supporting fellow villagers who had encountered problems or who had not received title. This made people fearful that they would not receive their land titles if they supported others.

The government's express purpose for implementing the land measurement program was to give people ownership rights to their land. While this has been welcomed as a positive step, some villagers told the team that they feared their access to other land would be restricted. Under the program, and as per the Land Law of 2001, land parcels were not to exceed five hectares. However, given that title is granted based on the actual size of land a family currently possesses, villagers with small plots or no land said they were fearful because in the future they would have no right to access other land that they currently used to sustain themselves.

Villagers in Krakor district living inside or near the boundaries of Pheapimex's ELC said this was of grave concern because for years they survived on harvesting non-timber forest products, which are regarded as communal. However, all land in the ELC that the student volunteers did not demarcate for villagers now belongs to Pheapimex, which means the poorest villagers will no longer be able to access the forest and will have to sell their labor to survive. In short, they and their children will likely be much worse off.

Community residents also expressed concerns about the highly political nature of the land measurement process. Villagers in Pursat and Oddar Meanchey provinces said the local authorities had warned them that they had better vote for the ruling party in July if they wanted to convert their temporary titles to permanent titles.

In the guideline for the implementation of Order 01BB, title was to be given for agricultural land not larger than five hectares in accordance with the 2001 Land Law. However, the study shows that Order 01BB was not implemented uniformly, and that the process and size of land permitted did differ from place to place. That was particularly unfair to poorer households who own small plots of land and to families who lost land to powerful people and companies.

Although the local authorities lacked the right to refuse to issue permanent land titles, these threats did worry some voters. Villagers from these provinces said the technical staff and student volunteers should have shown greater responsibility for their task and should not have left the temporary titles with local authorities. In short, they ought to have ensured there was no

opportunity for local authorities to misuse the titling process to advance any political party's agenda.

In some villages in Oddar Meanchey province, wealthy landowners abused the land titling program to their benefit. Local authorities did not intervene to prevent this, and villagers typically could do little about it.

Some villagers reported that some student volunteers discriminated against certain residents because of how they dressed, while others spoke to them inappropriately. Residents of one village in Oddar Meanchey said the student volunteers were far less responsive to their needs than they were to those of the wealthy.

It seems from the existing information and the data collected by the team that the campaign saw limited participation from female student volunteers. Villagers said that those female students who were involved typically stayed at the workstation where they were in charge of records and filling out forms, and generally did not measure land. One villager from Krakor district, Pursat province, said: "If the female volunteers had gone out to measure land, the situation might have been better because we would likely have found it easier to talk to them and to understand each other compared to the male volunteers."

Former student volunteers told the team that there were no restrictions on female volunteers, but their rate of participation in this campaign was low, with traditional and cultural practices that restrict women's mobility likely partly to blame. A further reason could be that the essentially military nature of the program could paint it as a largely male enterprise.

Discussion on New Land Titles Granted Under Order 01BB: Actual Practices

Size of land per title and types of land measured

The data demonstrates that the granting of land title on each land parcel differed. In some villages in

Kampong Chhnang province, for instance, the size of land per parcel could be as large as 10 hectares. In addition, families with larger holdings were allowed to divide their land and put it in the names of their relatives. Residents of one village in Boribo district, Kampong Chhnang province, said some families ended up with title to as many as 50 hectares. In some villages in Oddar Meanchey province, on the other hand, student volunteers and specialized officials granted titles for as much as 10 hectares. However, commune authorities later told villagers that anyone with title to more than five hectares would lose the excess. They gave no reason for that decision.

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As residents of Krakor district, Pursat province, pointed out, the student volunteers were quick to measure land for wealthy residents that own large tracts of land and have the means to bribe local authorities. Residents of one village in Krakor claimed that wealthy landowners sought to bribe a commune councilor who was working closely with the student volunteers because that he was authorized to decide which plots were to be measured. The study team was told that the student volunteers obeyed the councilor's instruction.

Renting names for ownership of land titles

In some villages in Krakor district, although the size of land for each title was limited to five hectares, wealthy landowners circumvented that restriction by paying people to put their names on the titles, then later switching the registered names. If nothing else, this practice raises the question of whether the land titling program is effective in granting legitimate and

equitable rights to land for poor families, or whether it is intentionally providing opportunities for the rich and powerful to control more land.

Limited Dissemination of Information About the Campaign

The implementation guide for Order 01BB states that authorities at provincial, district and local levels, in conjunction with the provincial working group, must work together to disseminate information at the local level about issues like the types of land to be measured, dates when volunteers and staff would be working, and what documents were needed. It also required them to erect boundary poles on the land. In practice, it seems these key steps were not widely carried out. In some villages in Krakor district, dissemination took place only in selected villages when the authorities rigged up sound systems on horse-and ox-drawn carts.

That was problematic because the student volunteers and officials were only there for a short period of time, which is why advance preparation and information-sharing were so important. Some villagers said that the first time they knew that a land measuring team was coming was when they arrived on site. In other places—particularly where villagers rely on harvesting or are forced to migrate for work—the short notice or lack of notice made it difficult for villagers and family members to participate. All of these factors and more explain why some missions measured fewer parcels of land for far fewer families than planned, and why many families missed out entirely.

Repeated Changes to the Implementation of Order 01BB

The campaign to implement Order 01BB was carried out quickly in the six months following its announcement. However, the Order was amended between Phases I and II. One such change related to

legal procedures, and followed a speech by Hun Sen in which he decided to cut the transitional period between awarding the temporary title and the permanent title. He said he did not want landowners to wait more than six months for permanent titles, adding that the student volunteers were thorough and could be trusted.³⁰

The government also amended the types of land to be measured. In Phase I, Minister Im Chhun Lim said the student volunteers would be sent “to measure in areas where there are many conflicts.” However, Hun Sen later stepped in to say they were not permitted to measure disputed land. As with the issuance of Order 01BB, that there was no prior consultation with the people on these changes.

There were also concerns regarding the lack of training for student volunteers. But perhaps more important was the participation of the authorities at all levels, especially those at the local level. To what extent do they understand the purpose of this campaign, and how widely do they disseminate the necessary information, including how procedures have changed? It is worth pointing out that Hun Sen warned donor agencies and NGOs not to get involved with the land titling campaign, insisting that it be left to the student volunteers and specialized officers to work with the authorities, which made the role of the local authorities in sharing information even more crucial.

“Technical Problems” in the Land Measurement Process

In some places, the land measurement program, rather than resolving land conflicts, caused more conflicts. Critical issues include overlapping titles and confiscation of titles and land, which cadastral officials ascribed to technical problems. However, each working group contained an array of expertise from relevant ministries, as well as the Forestry Administration, the police, the local authorities and landowners. With all of this expertise, it is hard to see how errors could have occurred in the measuring

process. Furthermore, in nearly every dispute that arose after the measuring process, it was the poor who were affected by errors and who lost out. This loss is significant—not only of their land but also their livelihoods and any chance of a better future for their families. The study team heard no reports of similar technical errors affecting the measurement of land belonging to rich landowners or to Pheapimex.

Lengthy Waiting Times for Permanent Title

During Phase I, landowners in some provinces—particularly in remote areas—appear to have had to wait longer than anticipated for their permanent titles. Residents of some villages in Anlong Veng district, Oddar Meanchey province, whose land was measured in July 2012 still had not received permanent title when the study team questioned them 10 months later, despite the provision in Order 01BB that landowners must receive their permanent titles within six months. The villagers received no clear explanation from local authorities for the delay other than that they were “waiting for orders from above.”

This delay unsettled many of the families interviewed, not least because the local authorities and specialized staff were unable to tell them during the measuring process how long they would need to wait. Their fears were compounded by the fact that all their supporting documents were kept by the technical working group during this processing period.

The slogan commonly displayed during the ceremonies in which land titles were handed over states that: “Your land title is your treasure and your safety net.” This aptly reflects the document’s importance. Numerous cases demonstrate that the government must do more to resolve such problems. Land violations remain an everyday occurrence, and if the land titles do not provide protection, safety and security, and do not allow people to access and control their land, Order 01BB’s mission to address land disputes will not be met.

Villagers in rural and remote areas do not have enough knowledge about the principles and processes surrounding the land measurement program. Some families rely on fishing or on harvesting for their livelihoods, which requires them to be absent from home for many days at a time, and they risk missing out on information and village meetings. In addition, rural people have limited knowledge of the law, and this makes it essential that the authorities at all levels, and particularly at the local level, communicate the land measurement program clearly and share information as widely as possible. The entire process—from the beginning until the point at which people receive their permanent land title documents—must be explained in straightforward terms so that people can participate fully and make the process as meaningful as possible.

Conclusion

Prime Minister Hun Sen's Order 01BB has resulted in many families getting documents that mark their ownership in law. However, others have faced significant problems, including: the withholding of land titles by local authorities, not receiving land title documents, being barred from full and unrestricted access to their land, and losing land to powerful local interests during the measurement process. Villagers in some communities in Pursat province saw their homes razed by Pheapimex and the military, while others were threatened by local authorities or specialized officials, and at least one activist was arrested and jailed.

The crucial challenge faced during Phase I of the land titling campaign, particularly at the local level, was that this was an entirely new process. The order came down from the highest level that student volunteers and working groups would arrive to measure land, but local authorities and ordinary people were not clear about how it would be carried out. Moreover, the working groups spent only a brief time in each place and were under pressure to deliver significant results, yet much of the work was dependent on student volunteers who had received limited training.

And although national law requires the National Authority for Land Dispute Resolution to solve disagreements, many villagers who felt wronged during the land measurement program found no redress from this state body. The impact for some small landowners was the loss of not only their livelihoods, but also the chance of a better future for their families, with land disputes as yet unresolved.

According to interviews, the land measurement process and the granting of titles to date did not, in many cases, empower people or increase their knowledge of it. Moreover, the campaign did nothing to strengthen the government's existing mechanisms for demarcating land and granting land titles.

The government's information program about the campaign and the attitudes of the student volunteers and working groups indicate that recipients of land titles are viewed as mere beneficiaries, rather than active participants. Some villagers, particularly in indigenous areas, reported that local authorities and student volunteers had told them that they must get their land measured when the teams were on the ground, and that if they did not, they would have to wait much longer for their land titles and the process would cost them more money. Given the plague of land grabbing in Cambodia, that left many with little choice but to rush into the process uninformed.

Many Cambodians in both urban and rural areas face the threat of land disputes, particularly from the rich and well connected. One of the main reasons is the lack of legal ownership of land, and for this reason the government's decision to tackle that is both timely and vital. However, the campaign—funded by the prime minister and other CPP officials and implemented by paid student volunteers—is an overtly political exercise, and not sustainable in the longer term.

Instead, the government should use existing state mechanisms to grant legal title to people, allowing them to access and control their own land. That would strengthen these mechanisms, making them more

efficient, effective, transparent and accountable for everyone. Only in that way will the Cambodian people get the equitable benefits they deserve.

Notes

- 1 Order 01BB is referred to as Directive 01 in many English language press media and non-governmental reports. However, the term Order 01BB is used here to maintain consistency with official government terminology.
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Land Disputes and the Plight of Sea Gypsies in Thailand

By Niabdulghafar Tohming

In Thailand, as in many countries around the world, indigenous people are among the most vulnerable and marginalized communities, largely due to a governance system which rarely takes into account their identities and plights in the formulation of policies that affect them. Thailand's sea gypsies have long been involved in struggles over land against an alliance of businessmen, local politicians and government officials. The judicial system is based on legal documents that neglect social and cultural factors including the livelihoods and local wisdom of the indigenous communities. Such negligence is understood as an intentional attempt to put the sea gypsies at a disadvantage, as part of the larger effort to keep this community marginalized.

The land tenure system in Thailand has been increasingly used to generate benefits for and promote the interests of a powerful few at the expense of the sea gypsies, whose land has been grabbed for the development of tourism infrastructure.

In response to human rights violations including forced eviction and physical and mental harassment, the sea gypsy community has defended its rights and joined hands with other civil society actors in Thailand to address its plights and aspirations. These efforts have yielded some positive results, namely a cabinet resolution and the representation of sea gypsies in an official committee under the state structure. Unfortunately, the committee could not achieve any concrete results. Instead, progress was hindered by the political crisis, and sea gypsy engagement in structural change was brought to an end by the military coup d'état in 2014, which abolished all the

committees under the previous administrations, including the one represented by the sea gypsy community.

Background on Thailand's Land Tenure System

Historically, all land in Thailand belonged to the King. Procedures for recognizing private land rights were only introduced by King Chulalongkorn in 1872. The current tenure system classifies land into private, public and state land. Title deeds are divided into three hierarchical categories. The first kind, full title deed or *chanote*, grants the holder full rights over the land. The second kind, called *Nor Sor Sam Gor*, is a title that indicates who has the legal rights to possess the land. It demarcates clear boundaries for the land, and the holder can upgrade *Nor Sor Sam Gor* to *chanote* through a petition to the Department of Lands, which grants a full title if there is no objection. The third kind, *Nor Sor Sam*, differs from the previous ones in that it does not indicate the exact boundaries of the land, but rather, signifies a person's right to use and benefit from the land. This can be upgraded to *Nor Sor Sam Gor* after the land is measured by the Department of Lands. Often, disputes arising through multiple land claims and ownerships have occurred with this type of title deed, as in the case of Thailand's sea gypsies.

To illustrate a broad picture of landlessness and land inequality in Thailand, according to a recent report¹, 62% of private land is in the hand of 10% of Thai, mostly the founders and CEOs of giant Thai



Photo by Niabdulghafar Tohming

transnational corporations, another 90% of Thais owned less than or around a hector. While 811,892 small-scale farmers have no land at all and at least 1.5 million households has to lease land owned by others for inhabitation and cultivation, 70% of privately owned land is neglected and lies idle.

Land Disputes and the Sea Gypsies

The sea gypsies were virtually unknown to much of the public until the 2004 tsunami. They are among the most marginalized groups in Thai society, having faced multiple forms of institutionalized discrimination based on their distinct identity, beliefs and culture. Thailand is home to an estimated 12,000 sea gypsies² or *Chao Le* ("people of the sea"), comprising three clans: Urak Lawoi, Moken and Moklen. Each group speaks a different language, and none have a system

of written language. They inhabit the west coast of Southern Thailand in the provinces of Phuket, Satun, Trang, Krabi, Phang Nga and Ranong. These areas are among the top tourist destinations of Thailand. As people of the sea, the gypsies have centered their life on the use of marine and coastal resources, and they have inseparable ties to the sea. Most of their villages are located on the seashore, where they have easy access to fishing as their principal source of livelihood. They are known as skilled fishermen and excellent divers who can stay underwater comfortably for a long periods of time.

The protracted land disputes faced by the sea gypsies involve cases of multiple claims or ownerships over land. The adversarial parties in these disputes are generally hotel investors (both local and foreign), local and national politicians, and the Department of National Parks. For example, some of the Urak Lawoi

on Sireh Island and Rawai, Phuket, are facing a land dispute with local politicians, and many of them face disputes with hotel investors. Similar cases have affected the Urak Lawoi on Lipe Island in Satun, and the Moken and Moklen communities in Phang Nga province. Meanwhile, the Urak Lawoi on Adang and Rawee Islands are involved in disputes with the Department of National Parks.

Although the issue of overlapping land ownership has long existed for the sea gypsies, the number of disputes rose rapidly after the tsunami. This is because many investors seized opportunities to claim ownership over lands that were home to sea gypsy families, and conspired with local authorities to get title deeds. Some titles were issued illegally, while many others were forged. Many investors and politicians also upgraded their *Nor Sor Sam* to *Nor Sor Sam Gor* and received full title deeds that not only covered their own original lands, but also encroached on neighboring plots. In one case on Lipe Island, a hotel investor upgraded his *Nor Sor Sam* title that contained only a small piece of land, but was extended to include a whole mountain in a full title deed covering many plots owned by sea gypsies.

The Department of National Parks has been another big actor in land disputes. It declared new protected areas in several places where sea gypsies held title deeds, particularly on Andang and Rawee Islands in Satun province. According to conservation laws, protected areas should be completely free from inhabitation and human use. The sea gypsies, who have lived on these lands since before the promulgation of the law, thus became transgressors of national laws.

Apart from problems of multiple land claims, many sea gypsies have also lost their ancestral land due to language barriers, as the majority cannot read and write Thai. They have been manipulated or forced by non-sea gypsy village headmen and local authorities to sign official documents, with the promise that sea gypsies who held *Nor Sor Sam* and *Nor Sor Sam*

Gor would get full title deed, but ended up losing their ancestral lands. They did not understand the official documents, and later learned that they gave the village headman or local authority the right to sell or transfer ownership of the land on their behalf. Most of the sea gypsy lands are now officially in the hands of investors and politicians.

The Second Disaster

The increase in land disputes after the tsunami was also due to the rapid expansion of hotels and other tourism infrastructure after the disaster, a result of plans put forward under the rehabilitation and reconstruction program by the Thai Government, which included assistance and incentives to boost investment in the tsunami-affected areas. Most of the safeguard mechanisms to protect local communities and the environment, including environmental impact assessments, were amended to allow fast-track approval for investment projects. As a result, the lives of sea gypsy communities were undermined for the benefit of investors.

At this time, many previously unknown islands were also opened up for tourism. Strategies were developed to focus on new tourist markets such as China, Japan, Australia and New Zealand. Since then, the number of visitors to the islands has been increasing, especially during the high season (November to February). But even in the low season, visitors to islands on the west coast remain relatively high. New hotels and resorts have cropped up to accommodate the influx of visitors at the expense of the sea gypsies, whose communities are being engulfed by real estate expansion, which generates even more land disputes.

The tragedy for sea gypsies across all islands in all provinces commonly occurs immediately after an investor or politician comes forward and claims that they own the same piece of land as the sea gypsies. With no proper process of investigation or settlement by officials, sea gypsies are forcefully assaulted and

made to leave their ancestral land, being pushed to the middle of island. Private security forces, police and local government officials are commonly involved in carrying out these forced evictions.

For example, on Sireh Island in Phuket, many sea gypsy families were forced to leave their land and sent by the local administration office to a new location five kilometers away from their ancestral land on the beachfront. Their resistance to leaving the ancestral land resulted in intimidation and threats. On Lipe Island, a few Urak Lawoi families refused to leave their land until the overlapping dispute was officially settled, and as a result, they were threatened by private security forces and local police on a daily basis. The close ties between local police and officials and big investors and national politicians have helped generate a climate of fear that leaves no room for sea gypsies to seek justice and protect their rights.

Proximity to the sea is essential for these communities. It is their lifeline; many sea gypsies have refused to leave their ancestral lands and move inland simply because they cannot survive away from the sea. Their beliefs, traditions and livelihoods are all tied to the sea. On Lipe Island, all the beaches through which the sea gypsies previously accessed the sea were blocked by big concrete walls and put under surveillance with CCTV cameras in order to reserve the beaches for guests at the new hotels and resorts. Sea gypsies on Lipe Island were also barred from entering their sacred site and cemetery, because a hotel investor declared that he owned the land. They are now forced to carry their deceased family members to neighboring islands for burial. For the sea gypsies, loss of land near the sea means being cut off from their beliefs, traditions and source of survival.

The influx of tourists on Lipe Island throughout the year has also brought little benefits to the sea gypsies, who now mostly work as housekeepers, gardeners or day laborers in the resorts. One of the impacts of the rapid growth of the tourism industry on the local people is the rise in the cost of living on the islands.

The price of basic goods has been increasing every year by 10-20%, a considerable amount for the local communities.

Struggles for Territory

Some local investors have employed legal tactics to displace the sea gypsies from their ancestral lands, presenting “legal documents” to prove supposed ownership. Although sea gypsies have been living on the disputed land since long before tourism came to their islands, without sufficient documentary evidence, they are often unable to respond to such legal claims.

However, forensic science has provided some strategies for proving the historic presence of sea gypsies on the islands. The Urak Lawoi in Rawai submitted a petition to Department of Special Investigation under the administration of Yingluck Shinawatra requesting a forensic investigation of bones found in the ground beneath their village. The DNA tests could indicate how long the community has resided there. This information is crucial ammunition for sea gypsies in court battles to demonstrate that their ancestors lived on the disputed land before anyone else, and it belongs to them.

Sea gypsies also use the history of their first contact with the Thai people and culture in their struggles over land. The community in Rawai named their main road Thanon Nailuang Sadech, which means “the road that the King visits.” A billboard with a picture of King Bhumibol greeting the sea gypsies is placed along the road at the entrance to the village. This is symbolic evidence that sea gypsies use to prove they have lived on the disputed land since before the King’s first trip to Rawai in 1959, occupying this area since well before the full title deed was issued to a local hotel investor in 1971.

The walls of sea gypsies’ houses on Lipe Island are commonly decorated with paintings of daily life activities, cultural performances and ritual ceremonies.

This is to attract the attention of visitors to the island and encourage them to interact with local people so that they can learn about the plight of this community. The annual gathering of sea gypsies to perform their ritual ceremonies has been used as a platform to discuss and consolidate the issues they face. Often, high ranking national-level authorities are invited to participate in these discussions, providing sea gypsy peoples the opportunity to directly express their concerns and describe their plight to decision makers.

To protect their lands and rights to maintain their traditional lifestyle and livelihood, sea gypsies also joined a national coalition of indigenous peoples including “hill tribe” peoples from the northern part of the country. They are also part of national movements such as the Peoples’ Movement (P-MOVE) comprised of sea gypsies, hill tribe communities and members of other landless communities from across the county who are fighting similar battles. This helps consolidate and enhance collective efforts in the struggle for justice, equality, self-determination, and recognition.

Cabinet Resolution

After joining these networks, the sea gypsies were able to incorporate their demands and pushed for the creation of socio-political spaces within the state’s mechanism for structural remedies. One of the major victories was the cabinet resolution on the “rehabilitation of the way of life and remediation of the problems of indigenous people,” which was passed in 2010. The resolution lays out key principles, both in the short and long term, for addressing land disputes, the rights to ethnic and cultural identities, natural resource management, citizenship, cultural heritage and education. A national committee was also established, chaired by the former president of the Community Organizations Development Institute (CODI) and made up of experts, academics, representatives of state agencies, civil society members, and sea gypsy communities. Sub-committees were formed to deal with specific

To protect their lands and rights to maintain their traditional lifestyle and livelihood, sea gypsies also joined a national coalition of indigenous peoples including “hill tribe” peoples from the northern part of the country. They are also part of national movements such as the Peoples’ Movement (P-MOVE) comprised of sea gypsies, hill tribe communities and members of other landless communities from across the county who are fighting similar battles.

issues under the resolution to support the work of the national committee. A few sea gypsies were represented on the national committee and also on sub-committees.

A key mandate of the national committee was to investigate land disputes and provide recommendations to the government on how they should respond to and settle disputes. According to the resolution, the committee had the power to request official documents and call on any government officials to give information as needed for the committee to undertake the mandate.

Regarding the overall performance of the national committee on land disputes, testimonies from participants and sea gypsy communities on Lipe Island and Rawai reveal that it made little progress on the issue. One of the major challenges contributing to this shortcoming was the bureaucracy of the Thai State. The committee had to go through numerous steps to obtain official documents for investigations, and since land disputes involved various departments under different ministries, it was a lengthy process, requiring much time and effort to call all these government officials to implement the missions.

Corruption and lack of political will among these government officials has also delayed the progress of responding to land disputes. Many of them were hesitant or unwilling to reveal information and give any official documents to the committee. Some local authorities that sat on the sub-committee on land saw the issue of land disputes as beyond their capacity, especially when the disputes involved many parties including investors whose power and money could influence the investigation.

Protracted political conflicts in Thailand and related social polarization also delayed the work of the committee. Many officials on the committee were ordered to take up multiple responsibilities and give priority to other problems related to the political conflict, which was seen as affecting the entire population and the future survival of the nation. The warring political camps have further reinforced the gap in coordination and cooperation among different government officials and state agencies. The political

divides have played a role in the disintegration of civil society, as well as the sea gypsy communities.

During the power vacuum in Thai politics and “shutdown” of Bangkok, there was no clear chain of command, and confusion arose across the whole spectrum of government mechanisms, including the national committee. Subsequently, all ongoing missions were frozen as the committee and its members were waiting for clear instructions from the superior organs. The dysfunction of the state has reinforced human rights violations such as forced eviction and physical assaults against the sea gypsies.

As a result of the military coup in May of 2014, all national committees and sub-committees established before the coup were dissolved, including those on indigenous peoples. The fate of the committee was left in the hands of the military junta. Two months after the coup, in July of 2014, the permanent secretary of the prime minister’s office signed an order to establish a new national committee.

Conclusion

It is clear that the settlement of sea gypsies’ disputes over land and territory is not only about access to and control of land, but also the essence of their cultural rights and traditions. Any solution must not jeopardize or undermine the livelihoods and wellbeing of local peoples.

In overcoming the land dispute issue, the state must faithfully recognize the rights of sea gypsies as enshrined in the 2007 Thai Constitution, which guaranteed their rights to conserve and practice their own way of life and maintain their traditions and livelihoods.

However, the actions of the state have clearly shown that government agencies, and particularly local authorities, have failed to uphold human rights principles and related constitutional provisions, as

demonstrated by the forced evictions of the sea gypsies from their ancestral lands. Such acts reflect the attempt to separate sea peoples from the sea. This also reveals the failure to take into account the cultural rights and participation of the sea gypsies themselves in conflict settlement.

In many cases, the judicial system has not applied the constitutional provision on the rights of sea gypsies in the adjudication of disputes with politicians, investors and local authorities. A determining factor for the success or failure of the sea gypsies in court cases is language. All court proceedings are conducted in the Thai language, which is not widely understood among the sea gypsy communities, and their ability to express themselves in legal battles has been limited.

The current approach used in dispute settlement focuses on legal documents and does not take into consideration other types of evidence such as natural, cultural and historical elements based on local wisdom. In many cases, the sea gypsies have their own systems for indicating ownership over land and its demarcation based on factors like natural boundaries. The state should incorporate local wisdom and mechanisms into the planning and formulation of land dispute settlements.

In short, the land disputes faced by sea gypsies reflects Thailand's stark power imbalance with

regard to land and resource management, where the rights of marginalized people are too often trampled by powerbrokers with connections and political and financial capital. This is a result of the classic structural problem of the Thai State, which places emphasis on official documents while ignoring the human and historical factors and the realities of marginalized communities. This problem is not about a lack of knowledge of the challenges faced by those communities, but rather, *realpolitik*. Communities face an organized network of capitalists, politicians and bureaucrats whose powerful interests can prevent justice from being served and keep populations disempowered to ensure the status quo.

Notes

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Towards an Agrarian Revolution!

By Shalmali Guttal¹

***Synthesis of Discussions
at the International Meeting
“Agrarian Reform and the Defense of
Land and Territory in the 21st Century:
The Challenge and Future,” held in
Bukit Tinggi, West Sumatera, Indonesia
July 10th- 13th, 2012***

Introduction

Since the era of the first green revolution, family farming, fertile lands and bio-diverse eco-systems have been steadily disappearing worldwide. Small-scale family farmers, peasants, fisher folk, pastoralists, indigenous peoples and other rural communities have been increasingly marginalized by high economic growth oriented development approaches and strategies. Lands, water bodies, minerals, landscapes and eco-systems have been expropriated or transferred to private actors for large dams, agricultural monocultures, plantations, industrial zones, special economic zones (SEZs), tourism, conservation projects, energy and transportation infrastructure, urban expansion, etc.

Although peasant, fisher folk and pastoral families produce majority of the world's food, the official support given to their economies is far from adequate compared to that given to agribusiness corporations. Decades of neoliberal policies have enabled transnational corporations (TNCs) and elites to concentrate control over land, water, seeds and other natural wealth. The dominant media stigmatizes small-scale food production and in most

countries, those who stand up for their rights are criminalized. In the past decade we have witnessed a global resurgence of land grabbing led by national and transnational elites, investors and governments, with the aim of controlling the world's most precious resources.

At the International Conference on Agrarian Reform and Rural Development (ICARRD) organized by the Food and Agriculture Organization (FAO) in 2006, states recognized and re-affirmed their commitments to implementing genuine agrarian reform and rural development, which include inter alia, the realization of human rights, food security, poverty eradication and social justice based on democratic law. Till now, however, ICARRD promises remain unfulfilled while the FAO, other UN agencies, International Financial Institutions (IFIs) and many governments propose mechanisms to justify and legalize the global land rush.

In light of the intense economic and political changes over the past two decades, La Via Campesina (LVC) and the Global Campaign on Agrarian Reform (GCAR) organized an international meeting to discuss the global conjuncture and different manifestations of the deepening agrarian crisis, and identify key elements of a common strategy for agrarian reform, food sovereignty and the defense of land and territories. Over 150 representatives from peasants, fisher folk, indigenous peoples, youth, workers, women, landless workers, human rights and research organizations participated in the Meeting, “Agrarian Reform and the Defense of Land and Territory in the 21st Century, the Challenge and Future,” which



Photos by Shalmali Guttal

was held in Bukit Tinggi, West Sumatera, Indonesia from July 10th-13th 2012. This document presents the synthesis of discussions at the meeting.

The Conjuncture: Identifying the Threats and Challenges We Face

“Malian farmers suffer because our government takes our land and sells it to [other] countries. At the last minute, we see people come and measure the land and, after that, Chinese TNCs come and exploit hundreds of thousands of hectares. They are building a canal over 100.000 ha and have taken our land that we have owned for thousands of years. We protested against the building of the canal and we said we would not leave our houses. As the result of what the local

people are doing, they are buying out peasants with little plots of land here and there.”

“Africa is the theatre of massive land grabbing by TNCs because Africa has natural resources, peasants do not have titles to land and local communities are driven away from their lands. Now we have increasing famine.”

“We need to fight for our dignity and die for our land.”

Drivers of Land & Resource Grabbing & the Destruction of Rural Livelihoods

Capitalism and imperialism are long-standing economic-political models that dominate peoples

and communities and exploit nature. Surplus capital is flowing into mining, fishing, industrial agriculture, agro-fuels, large infrastructure and environmental conservation. The Alliance for a Green Revolution in Africa (AGRA) and other new green revolution programmes are capturing land, soils, seeds and water, and promoting technologies such as synthetic biology and genetically modified varieties that undermine local agricultural and food systems, and consolidate corporate control over a new agriculture without farmers.

Nature and agriculture are being financialised, whereby finance capital can gain control over nature's elements, processes and related practices. Financialisation is accelerating the commoditization and privatisation of nature, as in the Green and Blue Economies, payments for environmental services and REDD/REDD+, which were promoted by governments at the Rio+20 Summit in 2012.

The Green Economy proposes to achieve economic growth by trading nature: financial values are assigned to forests, biodiversity, soil, water and other elements and functions of nature to derive green 'credits,' which can then be traded in markets and attract investment capital. The Blue Economy seeks to privatize ocean and marine areas through different schemes, for example, the Coral Triangle Initiative funded by the US and several donors. A recent law in Indonesia allows the private sector access to marine areas for over 90 years through concessions. The Green and Blue economies also include the capture of nature for conservation purposes, popularly referred to as green and blue grabbing. At the same time, fisher folk, peasants, herders, forest peoples and indigenous peoples are accused of destroying the environment and wildlife, and barred access to crucial, life-sustaining eco-systems that they have traditionally lived in harmony with.

War, occupation and military invasions continue to restrict and/or close off the access of local communities to farmlands, forests, coasts and water bodies. The

occupation of areas by governments in the name of security is one of the biggest threats to food sovereignty. In Palestine, Israeli bulldozers destroy farmlands and homes if they are considered too close to the Gaza border. Local farmers try to re-plant their farms and orchards but continue to face military oppression. Palestinian farmers have lost their sources of food, water, income and livelihoods, and 1.5-2 million trees have been destroyed in the past decade.

Climate change has brought new challenges to the production capacities and livelihoods of small-scale food producers through changes in temperature, precipitation, water availability, pests and production conditions, as well as increases in natural disasters. The so-called solutions to climate change however, neither address these challenges nor do they slow down climate change. Many 'solutions' (such as Clean Development Mechanisms, REDD/REDD+, climate smart agriculture and agrofuels) displace small-scale food producers from their domains and territories, destroy their coping mechanisms, resilience and autonomous adaptive capacities, and create opportunities for corporations and traders to acquire rural peoples' lands, forests, coasts, water sources, biodiversity, etc.

Official and mainstream narratives of 'crisis' deepen the problems created by capitalism and facilitate the concentration of wealth and control over the world's resources in the hands of elites. For example, the food crisis can be solved through more industrial agriculture; the climate crisis should be addressed through emissions trading, offsets, the green economy, climate smart agriculture and agrofuels, and; the financial crisis can be overcome by bailing out the banks and further financializing the entire economy. In reality, capitalism transforms crises into opportunities for greater value extraction. The global financial, food, energy and climate crises have triggered a rush among investors and wealthy governments to capture land and natural resources, since these are the only havens for financial investments that guarantee financial returns. States

are collaborating with corporations on nuclear energy, hydropower, 'clean coal,' natural gas and agro-fuels, which entail the capture of lands, forests, rivers, minerals, coasts and sea-beds.

Free trade and investment agreements promote export-oriented agriculture and enable land, water and resource grabbing, which destroy local modes of production, local food systems and the livelihoods of small-scale agricultural producers. These agreements constrain the abilities of governments to regulate in favor of the public interest, allow TNCs to capture markets, and demand new regulations

that are reorienting food systems towards greater market dependency. The Trans-Pacific Partnership, European Union (EU) trade-investment agreements with Asian and African countries, and other trade-investment agreements under negotiation will destroy the livelihoods of small-scale food producers.

Criminalization is a major and growing threat faced by farmers, fishers, indigenous peoples, local communities and human rights defenders. Those who organize and mobilize to defend their lands and territories, and demand implementation of agrarian reform are intimidated, arbitrarily arrested and detained, beaten, tortured, sexually assaulted, disappeared and/or killed. Corporate-friendly regulations in many countries provide new avenues to restrict the independence of small-scale food producers: seed laws that support patent protection prevent peasants from freely exchanging their seeds; small-scale dairy farmers are not permitted to sell their milk because of hygiene or food safety regulations, and so forth. TNCs are suing their critics and those who organize any opposition to their operations.

Land reform is a struggle not only between peasants and landlords, but a struggle for all of society. What kind of society do we want to live in? Do we want inequality, global warming, poverty, misery and urban slums? Agrarian reform and food sovereignty are the keys to changing this society.

The Actors Behind these Trends

National and transnational corporations are the most visible grabbers of land and natural resources in every region for a variety of purposes. Corporations destroy native eco-systems and landscapes, undermine rural and local economies, and displace local communities. They promise jobs, fair compensation, water systems, health and education services, environmental clean-up and new livelihoods, but do not meet these commitments.

The state is a major and powerful actor in both, actual expropriations for national development projects, as well as in enabling corporations and elites to acquire control over land and natural resources. States put in place corporate-friendly laws and regulations, identify so called marginal, empty and idle lands for investors,

offer a variety of subsidies and carrots to corporate and foreign investors, use coercion and military force to impose policies and projects, and use the legal system to suppress dissent and resistance.

IFIs and multilateral institutions, including UN agencies, play an important role in facilitating land and natural resource grabbing by promoting extractive, destructive and economic growth driven development models, and discouraging states to legislate and regulate in favour of workers, small-scale producers and the environment. They support corporate-friendly policies and laws, facilitate capital and guarantees for corporate investors and ally with corporations to design and promote profit making ventures such as the green and blue economies, REDD+, carbon trading, etc. World Bank supported natural resource governance policies are aimed at stimulating land markets, promoting private property rights and privatizing water, while plundering peasant communities. Recent trends in the 2012 Earth Summit, FAO and UNFCCC show that they support neoliberal development agendas using the rationale of reducing hunger, poverty, unemployment, etc.

Learning from the Past

“The issue of land reform is the central axis of La Via Campesina. It is also the most important issue in the history of Via Campesina. It runs through generations and across all regions and continents.”

“Land reform is a struggle not only between peasants and landlords, but a struggle for all of society. What kind of society do we want to live in? Do we want inequality, global warming, poverty, misery and urban slums? Agrarian reform and food sovereignty are the keys to changing this society.”

“We need new and systematic tactics and strategies to oppose land grabbing that go beyond sabotage and boycotts. We must fight against governments, entrepreneurs and even our own stupidity!”

Common Contexts and Experiences

The experiences of land grabbing are similar across countries, and rural and urban areas. Investors—state and private—acquire good quality land near markets, roads and water sources and have both, money and state support to negotiate long-term leases (for example, 50-99 years), which completely dispossess local peoples from their principle sources of livelihood. Land grabbing in rural areas almost always results in land degradation, environmental contamination and the destruction of diverse eco-systems. Investors make false promises to local communities of schools, jobs, health services and better living conditions. But most often, they take the lands and evict people. Those who resist are dealt with violently and in many places (for example, Thailand, Indonesia, Cambodia and India), peoples’ homes are burnt and farms destroyed.

Struggles for land and food have been intrinsic to processes of social transformation and central to many revolutionary political changes. In the 20th century, agrarian reform and freedom from hunger were directly linked to decolonization and liberation struggles. Agrarian reform was an issue not only concerning farmers, but a powerful political issue, adopted and promoted by many newly independent governments and frequently viewed as a crucial step towards redressing past wrongs. It was implemented in varying degrees and forms and with varying success in many Asian, Latin American and African countries. In Asia, these include Indonesia, Philippines, Taiwan, Peoples’ Republic of China, Japan, South Korea, Sri Lanka and India. Agrarian reform was as much about distributing land to the landless for agricultural production as it was about ensuring appropriate access to credit, markets and resources, and policies/mechanisms that supported the economic capacities of small-scale producers and peasants. By the 1980-s, new movements started to emerge for indigenous peoples’ rights and of rural peoples negatively affected by dams, mining, development and infrastructure projects, tourism and conservation projects. These were struggles for the defense of land and territories.

Today, in the 21st century, agrarian reform has not been fully implemented anywhere. Around the world, fertile lands, water sources and bodies and rich ecosystems have been, or are being seized and enclosed by investors, financiers, government agencies, military forces and even environmental organisations. Past agrarian reform successes are being reversed and IFIs and multilateral institutions continue to propose new frameworks to justify the widespread dispossession and alienation of local communities and food producers that result from these seizures and enclosures.

The agricultural production sector is becoming polarized: both peasant movements and agribusinesses are growing, but family farmers who became entrepreneurial farmers are crushed by agribusiness. Rural indebtedness is increasing because of credit programs pushed by governments and financial institutions to integrate farmers into global value chains. The situation is building up to a massive battle between agribusinesses and corporations, and peasant/rural movements for control of rural economies, livelihoods and resources.

Fisher folk have not been able to escape the trap of neoliberalism and markets either. After the 2004 tsunami in Sri Lanka, the government intensified investment in coastal areas and corporations started taking over the fishing waters and lands of fisher folk. Under the guise of rehabilitation, the Sri Lankan Government started pushing fisher folk to integrate into world markets, and promoting mega infrastructure, energy and tourism projects, SEZs and industrial aquaculture in coastal areas. Such trends are happening across Asia and Africa. Through the “blue economy,” governments are creating marine protected areas and at the same time, signing investment treaties that allow investors free access to coastal areas, and permit joint ventures between local and external investors for fishing. At the same time, local fisher folk are not allowed to enter their own traditional fishing waters and not able to use the legal system to secure free access to their fishing areas.

The defense of rights to food, water, land, resources, freedom of expression and life itself, by peasants, fisher folk, indigenous peoples, workers, community leaders and human rights activists are dealt with extremely harshly by states, corporations and elites. Evictions, intimidation, violence, incarceration, assassination and disappearances of rights defenders are increasing in all our countries.

Lessons from Agrarian Reform and Related Struggles

Although we face powerful enemies, our struggles have become stronger and our strategies more effective, in great part due to the alliances we have built, our continuous processes of learning and the praxis we have set up within our movements. In Jambi, Indonesia, despite extreme violence by the Indonesian state and companies, SPI members rejected REDD.

We learned from indigenous peoples’ cosmovisions that land is not only a means of production; we must understand and defend the concept of territory, which includes water, air, culture, sacred sites, ceremonies and practices. Access to land, water, forests, seeds, food, jobs, shelter, peace, dignity, and productive resources and capacity are basic human rights, intertwined with the right to life. For peasants, fisher folk, pastoralists, workers and indigenous peoples, the defense of land and territories is a moral imperative as well as a matter of survival. “The Declaration of Rights of Peasants—Women and Men” proposed by LVC is a crucial step forward in acknowledging the rights of small-scale agricultural and food producers, just as the Declaration on the Rights of Indigenous Peoples did for the rights of indigenous peoples.

Our struggles traverse many arenas: public, private, family, inter-generational, social and political. We have seen that agrarian reform reunites families, slows the migration of youth to cities, generates employment and revitalizes local economies. Regrettably though,

agrarian reform struggles have not responded well to the particular situations of women. In many societies, land tenure and ownership are attached to men, and women's rights to resources and all things in their households are tied to their husbands. Women's autonomous rights to land and wealth are not recognized and they lose access more easily than men. When lands are grabbed, women work harder to feed their families and communities. Women are often pushed off their lands to the farthest, more remote areas. Women play crucial roles in nurturing lands and territories, saving seeds and rebuilding our food systems, but are rarely visible in leadership positions in peasant movements. Moving towards equal social relations must start from within our own movements and organizations, respecting women's contributions and capacities, and overcoming the socio-cultural barriers to women's empowerment. Many LVC members have initiated activities to address the challenges that women face and are working towards women's empowerment, education and leadership building. LVC has launched a movement wide campaign on Violence Against Women that seeks to address the different types of violence that women face: economic, political, social, cultural and physical.

Agrarian reform struggles need to be driven by peasants and from below; autonomy and self-directed processes at local levels are extremely important in order to build new societal relations. Even where progressive governments are in power, agrarian reform cannot be sustained without strong peasant movements—as shown in the cases of Zimbabwe, Cuba, Bolivia, Venezuela and Nepal. No matter how supportive the governments, they need strong peasant movements to push them to take the required action and keep them on track. We have learned that land occupations by peasants are an effective strategy of agrarian reform from below; governments will not act unless we take matters into our own hands. But successful land occupations need political and economic support from social movements, local communities, broader society, and the press and media.

We see that there is a mismatch between the locations, sizes and intensity of land grabbing on one hand, and the organizing of political resistance and mobilizations against land grabbing by social movements on the other hand. In the places where the worst land grabs are happening, there are few social movements, and organizing, mobilizing and sustaining resistance to the land grabs are difficult.

We have thus learned the importance of building and strengthening political alliances with other movements, organizations and coalitions, and helping to organize communities where needed. Land and resource grabbers are quicker than us, have more money and greater access to organized mechanisms of power than us. We have to build strong alliances with other constituencies that are fighting against land, forest, water and sea grabbing, SEZs, and free trade and investment agreements; accordingly, our strategies need to address much more than agriculture—environmental policies, mining, fisheries, rivers, dams energy, health care, education, women's rights, self determination, civil-political rights, etc.

Our alliances with organizations engaged in research, training, education and popular media have helped to update and sharpen our analyses, strengthen our knowledge and capacities, and challenge neoliberalism and capitalism effectively with the grounded knowledge of our movements. Our struggles to defend land and territories span and must continue to span multiple arenas, from the streets to courts of law and to the offices of governments and multilateral institutions.

At some point in the past, the fight for land was also a fight for peasants to gain entry into agricultural value chains, but we have seen how monocultures destroy lands and entire eco-systems. Instead, over the past several years we have focused on agroecology, through which peasants can reclaim control over their seeds, soils, water and agricultural production, fight against the commodification of natural resources, and protect and nurture the

earth. Agroecology contrasts the Green Economy in approach and politics and is the peasant's view of how to fight against commodification of natural resources and to care for the earth.

The World Bank, other international agencies and most governments argue that in the present context, the redistribution of land to landless and land-poor communities is not possible, large-scale land related investments are necessary for economic growth, and land expropriations and transfers are thus inevitable. In their thinking, what is needed is rules to mitigate negative impacts and make these deals “win-win,” which can be done through initiatives for transparency, consultation and information disclosure, as outlined in the World Bank designed Principles of Responsible Agricultural Investment (PRAI). Many NGOs are also involved in these initiatives and huge amounts of money are being spent on building false expectations that communities can benefit from these deals. Popular education of our own movements and organizations, as well as broader society and elected officials, of the fallacy and deceit of such initiatives is imperative to delegitimize them.

From our successes and failures we have learned that we need to clarify many concepts and strategies before we propose them for wider use. For example, how should peasants use and manage lands once they have them, so as to not lose them again? How effective are community based land-resource governance systems? How can the concepts of ancestral domain and tenure be used to stop land and resource grabbing? How can we resolve the contradictions between land rights and land alienation inherent in individualized land titling initiatives? How can we protect the rights of local communities to forest tenure, but at the same time, not fall into the trap of market mechanisms such as REDD+, PES etc.? How can we build local autonomy and avoid the traps of inequality that arise from cultural traditions, especially, discrimination based on gender, caste, ethnicity and race?

The Defense of Land and Territory and Agrarian Reform in the 21st Century

“Food sovereignty will be the heart of our struggle. If we are united we can fight together.”

“Indigenous peoples talk about loving not only our lands, but our entire territories.”

“We need to develop international solidarity around issues of land; we need to connect land reform, food sovereignty and agroecology.”

Elements of a New Vision

Agrarian reform in the 21st Century must be an integral struggle for justice that democratizes agrarian structures and builds new social, economic and political relations. It is based on a hybrid cosmovision that incorporates space, territory, water and biodiversity, and the principal that rights to land accrue only to those who work it, depend on it and reside on it with their families. To counter the destruction wreaked by several decades of neoliberalism, the new agrarian reform must be revolutionary and transformative. It must end land and resource concentration and include measures designed to resist counter-agrarian reform. Below are the elements of our new vision.

Food sovereignty: A new agrarian reform must be founded on the principles of food sovereignty and have as its central pillar, the concept of territory. Food sovereignty necessarily demands secure access to and control over farmlands, seeds, breeds, forests, pastoral lands, migratory routes, fishing areas, water bodies, seas, coasts and eco-systems by peasants, fisher folk, pastoralists, indigenous peoples and workers. Food sovereignty cannot be realized without land and resource sovereignty, and the rights of food producers to govern their territories and domains, which include their customs, rules and agreements for protecting, using and sharing domains that cross geo-political boundaries.

Redistribution of power: Land redistributive policies imply the expropriation of private lands that do not serve a social purpose and distribute them to landless and land-poor families. However, the overarching goal of redistribution is to redistribute power, and alter power relations in favor of small-scale food producers and their organizations and movements. Peasants who have occupied lands should be provided the legal and other supports to sustain and make the occupations productive. Such redistribution cannot be carried out through market mechanisms. Agrarian reform must balance the priorities of peasants, family farmers, fisher folk, indigenous peoples, the landless, pastoralists and other rural communities, emphasizing the particular needs of women and youth.

The right to resources, territory and self-determination: Agrarian reform must guarantee rural people secure access to and control over their lands and territories to live healthy and meaningful lives. The new, agrarian reform must restore pride of identity and the dignity of peasants, indigenous peoples, fisher folk, pastoralists, workers and women. It must respect the rights of mother earth, the cosmovisions of different rural communities and cultures, and local autonomy and governance with equal rights for women and men. Communities of food producers should be able to make decisions over the use, management and preservation of their lands, territories and resources. Agrarian reform should be accompanied by aquatic reform. The rights and capacities of women, youth and historically marginalized groups (by social, cultural and economic discrimination) to land, resources and participation in decision-making, must be prioritized.

Defense of land and territories: All possible measures—legal, regulatory and direct action—should be used to defend lands, water, territories, minerals and biodiversity from expropriations, capitalist enclosures, commodification and destruction. Land and territory must be defended as social/collective wealth, not simply as individual

property while at the same time respecting and upholding the rights of mother earth. Land speculation must be prohibited, and state and private corporations must be prevented from acquiring large expanses of land. These include community/collective titles to prevent individual land parcels from entering the market, opposing market mechanisms in land governance, peoples' counter-enclosures such as



Agrarian reform in the 21st Century must be an integral struggle for justice that democratizes agrarian structures and builds new social, economic and political relations. It is based on a hybrid cosmovision that incorporates space, territory, water and biodiversity, and the principal that rights to land accrue only to those who work it, depend on it and reside on it with their families.

land occupations, and visible mobilizations on the streets and in public spaces and fora to build public support for our struggles.

Address poverty, unemployment, hunger and distress migration: Agrarian reform must create enabling conditions for enhancing standards of living for the majority and for reviving and rebuilding rural economies, including for example, public provision of good quality, affordable and accessible services in health, education, electricity, water and sanitation, transportation, recreation, credit, banks, markets, etc. It must reverse the distress migration of rural peoples, enable the reinsertion of peasants back on to their lands, and ensure a future for young people in the countryside.

Rural-urban land sovereignty: Despite the necessary focus on rural areas, our vision must also address the reality of urban areas, especially in relation to land, water, housing, food and other essential services. The same forces of speculative capital that drive land grabbing and displacement of peoples in rural areas are behind the real estate speculation that causes mass evictions of the urban poor. A strong-rural-urban alliance to resist common enemies requires rebuilding inter-dependence between producers and consumers, and revisiting concepts of social, economic, political and environmental justice.

Models of production, distribution and consumption: Should be non-exploitative, environmentally responsible and slow down climate change. Energy policy is especially important since land, forests, rivers, seas and sea-beds are being captured to feed high-energy industries and lifestyles. Production models should empower and enrich small-scale food producers rather than forcing them into debt traps or value chains that they have no control over. The right to produce should not be commoditized and controls over overproduction should be re-introduced, exports should be limited and dumping ended. Production and distribution

models should be based on food sovereignty and agroecology, and support the recovery of native seeds and animal breeds, water harvesting, locally generated renewable energy, revival of traditional foods, re-building local food systems, and establishing cooperatives for production, marketing, quality control, etc.

Peace, justice and dignity: Struggles for food sovereignty, agrarian reform and defense of land and territories are struggles for peace, justice, dignity and life. A new agrarian reform must mobilize forces to end state, military and corporate occupations of lands and territories, oppose war and militarization of our economic systems, and challenge the criminalization of our struggles. We have the right to dissent, organize, associate, assemble, oppose, protest and build alternatives, and these rights must be upheld.

Realizing Our Vision

A crucial first step in realizing our vision of agrarian reform and defense of land and territories, is clarifying, refining and articulating the vision clearly. Other actors also use many of the concepts and terms we use, but with different interpretations, for example tenure security, land rights, food security, policy reform, etc. We need to have a common understanding among ourselves of our terminology to avoid manipulation by others. Our strategy to realize our vision includes several distinct and complementary components, described below.

Build and strengthen our knowledge systems and capacities: We will continue to update our information and understanding about food sovereignty, land-resource grabbing, economic and financial policies, trade and investment agreements, commodity markets, climate change, corporations, conflicts, occupations, and other relevant events, trends, initiatives and actors. At the same time, we need to conduct our own research and documentation to strengthen our knowledge and capacity to challenge false promises,

allegations and assessments by the state, corporations, mainstream academe and press, and the military.

Promote and support sustainable peasant

agriculture: We must promote sustainable peasants agriculture based on agroecology, which includes peasants' knowledge, farmer-to-farmer research, farm-saved seeds, biodiversity protection, social and political equality, and the innovation of new ecological practices. Support must also be built for marketing, organization, quality control, etc.

Build alliances, unities and campaigns: It is important and urgent to build and strengthen unity, alliances and linkages across different constituencies, movements and campaigns on land, water, forests, mining, human rights, climate justice, trade, investment, etc. The Rights of Peasants is an important framework for us to build alliances on. We will link our struggles with other anti corporate globalization movements, and also link different levels of struggles from local to international. Academics, research organizations and press-media are important allies in elaborating and advocating our vision.

We need to build South-South campaigns against corporations from our countries that grab lands and resources in other countries. Campaign targets should be selected strategically, where national movements are strong, for example, the Indian corporation TATA is planning to buy coal from Indonesia for a mega power plant in the western coast of India. The power plant will destroy coastal ecosystems, fish, mangroves and livelihoods, and pollute the waters and salt. By targeting this corporation and project, we can broaden our alliances and reach a larger audience.

Public outreach and popular education: Agrarian reform is a priority issue for all of society and we need to build strong public support for it. Popular education and consistent outreach to society will be crucial to mobilize broad based resistance against land-resource grabbing and support for our vision and strategies. We should help people to understand

what land and resource grabbing are, how they are happening, who/what are driving them, their impacts at multiple levels, how to stop them, and our proposals for how to use, manage and govern land and eco-systems. To achieve this, we need to form alliances with like-minded researchers, journalists, filmmakers, musicians, academics, consumer organizations, student groups, workers' unions, etc.

Change laws, regulations and policies: To create space for our vision, we must resist neoliberal frameworks of agrarian reform and governance of land and territories imposed by states and multilateral institutions. At the same time, we need to change national and international regulations to stop governments and multilateral agencies from supporting corporations and creating new opportunities for land-resource grabbing. Laws and policies that are antagonistic to small-scale food providers and the environment, and which promote land markets and counter-land reform must be changed. National and international policies and laws should rebuild strong rural economies and societies, empower small-scale producers and workers, and assist them to be self-reliant.

Build leadership of women and youth: Women are organizing and empowering themselves in several different spaces but at the same time, they face the worst acts of violence and degradation from state and private security forces and often, even within their own communities. We must ensure the safety, dignity, abilities and rights of women in all spaces and struggles. Important steps include ending the violence against women, recognizing and respecting their rights, and supporting women in our movements to become leaders. The youth are our future and as they grow within our movements, they have a lot to teach the movements about new technologies, trends, outreach and communication methods, etc. We need to reach out to the youth through their social networks, communities and universities, and support training for young people to become leaders in their communities and networks on political and economic issues.

Claiming and occupying multilateral spaces:

Although national arenas are our main arenas of struggles, we need be able to use multilateral organizations (for example the UN agencies), spaces and mechanisms to support local-national struggles. Past engagements in international processes have taught us that it is not enough to only resist, we must also have strategies for changing international policy frameworks. We need to push for mechanisms and agreements that will secure and protect the tenurial rights of farmers, fisher folk, indigenous people, pastoralists, workers and local communities to their land, territories and resources. Many social movements fought to get the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*; now we have to put our own vision in them, promote our interpretation of the Guidelines and demand their implementation.

Build and strengthen solidarity: We must give our support and solidarity to political struggles on land, water, food sovereignty, self-determination and peace, land, for example in Honduras, Guatemala, Columbia, Argentina, Mali, Mozambique, Palestine, Cambodia, Sri Lanka, India, Indonesia, the Philippines. Land reclamation in Palestine demands special and consistent popular support from all our movements.

Build popular resistance to the power of TNCs:

We need to build popular opposition to TNCs and

dismantle their power and control over governments through laws, policies and popular support. For this, we need to ally with campaigns against privatization, extractive industry, trade-investment, financialization, etc., and document evidence of how TNCs are manipulating governments, multilateral institutions and national and international laws to maintain control over the earth's resources.

Direct action: We need to organize visible actions on the streets to show peoples' power, and reach out to the public, press-media and other progressive organizations to advocate for our vision. We must have defensive as well as pro-active actions of peoples' counter-enclosures. An important but difficult form of counter-enclosure is land occupation.

Reclaim the state: Our states must serve the interests of majority of the populations—particularly those who are vulnerable—rather than those of elite minorities and corporate interests. For this, we need to develop, identify and elect new types of leaders, create movements to change governments' positions, laws, policies, etc.

Notes

- 1 This synthesis was prepared by Shalmali Guttal with inputs from Sofia Monsalve, Rebeca Leonard and all participants at the International Meeting. An adapted version of this article was published in the *Journal of Peasant Studies* 40:4 in 2013.

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