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Land Access and rights of indigenous communities

VMR

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*Coverpage : Bolivia
(PH. Léon Tillieux)*

Périodique, publié en quatre langues par la FIMARC, qui
donne un écho de la vie du monde rural et de l'action des
Mouvements membres ou non de la Fédération

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*Marche for the survival of Wayanad farmers (Kerala, India)
- FSM 2007 Kenya (MIJARC)*

Dear Readers of VMR,

Warm greetings from FIMARC International Secretariat

As announced earlier, we are back again with our series of articles on land. This number of VMR is totally dedicated to the topic on land access and rights of Indigenous Communities. Land and related resource rights are of fundamental importance to indigenous peoples since they constitute the basis of their economic livelihood and are the source of their spiritual, cultural and social identity. Indigenous and tribal peoples have unique ways of life, and their world view is based on their close relationship with land.

This unique relationship to traditional territory can be seen in different ways, depending on the particular indigenous people involved and its specific circumstances; it may include traditional use or presence, maintenance of sacred or ceremonial sites, settlements or sporadic cultivation, seasonal or nomadic gathering, hunting and fishing etc.

Indigenous peoples are the descendants of those peoples that inhabited a territory prior to colonization or formation of the present state. Dispossession of traditional lands and territories is one of the major problems faced by indigenous peoples all over the world. For indigenous people, land and territorial rights are “not merely a matter of possession and production, but one intertwined with the preservation of indigenous groups’ cultural and spiritual legacy”.

Economic interests of governments and large corporations in resource extraction and industrial development is adversely affecting the right of indigenous people in many countries and thus the protection of indigenous lands and natural resources is not only a human rights matter, but one with strong repercussions on the economic field, connections with environmental governance, and with both legal and political implications. The general trend to favor individual land ownership rather than collective land rights is another threat to indigenous peoples, since it opens up not only for the privatization of land and resources but also for sale of land to non-indigenous individuals and business interests. Hence collective property rights of indigenous communities over the lands they have traditionally occupied and the natural resources there in should be recognized.

Many movements of FIMARC have been actively involved in this topic for many years. Some of our movements such as ACR Brazil have been working with the indigenous people in their country to protect and promote their rights and livelihoods. Most of the members of our Indian movement INAG are involved much for the cause of Dalit, Adivasis and tribal communities in India. What I mention is only few among many.

Expecting more information about your engagements on this topic, I wish you a good reading.

*George Dixon FERNANDEZ
General Secretary/*



Land access and rights of indigenous communities

SOME EXAMPLES OF LAND GRABBING FROM THE IN- DIGENOUS PEOPLE

In Brazil : The Guaranis-Kaiowa are one of the Indian tribes in the Mato Grosso del Sul region of Brazil who are expelled from their traditional land to let space for the big industrial plantations, especially for the production of agro fuels. Since 1988, the Brazilian constitution has given 12% of the land surface to the different indigenous communities but even then big companies and several politicians are either not agreeing with this measure or respecting the law and further more trying to cancel it.

Quite early, since 1938, the country launched the programs for the production of bio ethanol, which is also called as "green fuel" by some people . But it is really during the long military dictatorship period, followed with the first petroleum shock of 1973 that Brazil launched its " Pró-álcool " plan and since the end of 1980', 7 cars out of 10 were using this carburant, composed of 85% of ethanol and 15% of fuel. In 2003, Volkswagen promotes its "flex-fuel" car, what will totally change the car park of the country. This system indifferently accepted the fuel, ethanol or a mix of both. It allowed the users to choose the carburant they want, mostly in regard with the price.



Mato Grosso - Brazil

More than totally providing its internal market, Brazil has become the second exporter of bio ethanol. And this is why the land in Mato Grosso has been producing more and more bio ethanol and becomes so popular. 65% of the new investments in bio ethanol in the country are made in this region.

The key of the conflict between the local people and the big land lords who want to invest in this region is the land and its (non) delimitation.

The indigenous people in Brazil have received a recognition of their rights in their territories since 1988. At least - in theory - because as it is mostly the case in the remote areas in Brazil there is a big gap in between the law and its implementation. And this is why thousands of hectares claimed by the Guaranis in Mato Grosso are nowadays reduced to small parcels. They estimate that they have lost 90% of their territory.

Living along the roads, Guaranis people are more surviving such a living. Being deprived from their land, only half of them have got “a job” inside the big companies producing bio ethanol; employment with very low salary and in awful living and social conditions. And this conflict also sometimes goes to death. For the year 2009, 33 persons have been murdered in the region and several children died from mal nutrition.

This situation is drawing our attention at this particular moment, where Europe counts on the Brazilian bio fuel to reach its objective of 10% of “green transport”. The Indians want to get their Mother Land, “the Pachamama” back, as they want to cultivate it and give it back its biodiversity.

In Bolivia, for the indigenous people, the Mother Land is omnipresent. Every day it receives its part of alcohol, of maize, some spoons of soup ... Even the poorest will never forget to give her a lot of offerings. Because “the Pachamama is the life” as it is said in the Andes.



Bolivia (PH. L. Tillieux)

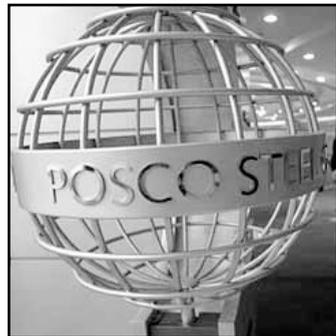


But even if everybody gives something small to the land, the return on investment is not the same for all. After two unachieved agrarian reforms (in 1953 and 1996), Bolivia remains the country of the Americas where the land is the more inequatively shared. 33% of the Bolivians are sharing 5% of good land for agriculture and cattle's and 2% of the landlords own 34% of the territory; immense domains that are not even cultivated by the «latifundistes»⁽¹⁾.

This is why, in the hearth of the “Oriente” area covering whole of the northern and eastern part of the country - which is formed of valleys where we can find the most fertile land of the country - there are millions of unproductive hectares, speculative land, and all around there are thousands of farmers without land that are looking for this. Nowadays there are around 250 000 Bolivian families without land and close to one million of others that have not even a parcel big enough to grow for their own needs

In India, the Dalit and Adivasis, in several states are expelled from their land to allow big companies to settle here to utilize the local resources.

In Orissa, the proposed steel plant project of the Korean Multinational company POSCO has a lot of adverse impact on the life of local tribal communities. This project also includes 400 megawatt Captive power plant as well as mining of natural resources. More than 4000 families consisting of 22,000 will be affected by the project due to displacement of livelihoods based on a thriving agricultural economy. The tribal communities, which form 74% of the population in the surrounding area, are completely dependent on these forests for



fuel, fodder, fruits and medicinal plants. The water springs in the area provide water for drinking as well as irrigation. The mining would also affect the famous Khandadhar waterfall – which is also a famous tourist destination of the state. The Khandadhar hills, where POSCO is being allotted the mines, spread over 6000 hectares, are covered with forests, inhabited by a wide variety of wildlife and as well as flora.

¹ Spanish name of the owners of very vast landed properties

Destruction of the Coastline will adversely effect the nesting habitat of the endangered turtle Olive Ridley and other important species. Extraction of large quantities of water for the project will affect, not only the local communities but severely affect the drinking water supply and irrigation supply of four neighboring districts

For the Last five years, Under the banner of POSCO Pratirodh Sangram Samiti (Anti-POSCO People's Movement) , people have been opposing this project. They have chosen peaceful, democratic forms of struggle to express their resistance to this project and refuse to give up their lands and livelihoods for it. Recently the authorities are using violence against the protesters to force them to give up their resistance to this project. State government also took over land illegally violating the forest rights Act⁽²⁾. This increased tension in this area.

Questions for the groups and the movements :

- *Do you know such cases of land grabbing in your country ?*
- *Who are the main victims? ?*
- *Why ?*

² *Scheduled Tribes and Other Traditional Forest Dwellers Forest Rights Act : The law on the protection of the traditional tribes and the other inhabitants of forests is a law promulgated by the Indian government to recognize rights for certain rural minorities on the protected zones in which they live*



THE INDIGENOUS PEOPLE GET ORGANIZED

Inside their country :

In Bolivia, the Movement of Landless (MST) was born 6 years ago, on the same model as MST Brazil. The farmers are occupying the non utilized land of the landlords to cultivate it and afterwards try to get the legal property of those lands, following the principle that “the land belongs to the one who work on it”.

What is not really easy in the day to day struggle but thanks to their **tenacity**, MST counts nowadays with some 10.000 members and has realized some 65 land occupations. All the activists in the MST nevertheless recognize that this way of acting, this struggle, is just a small action and that the problem has to be solved at the capital city La Paz. The real problem is the problem of land distribution and this has to have a legal solution.

Evo Morales, first Indigenous President, has launched a new agrarian reform. The first step consists in the redistribution of 2 millions of hectares of State land to the poor farmers. In a second step the State will get back the unused land of the landlords and redistribute it to the small farmers.

While informing the international community :

Last December, a delegation lead by Anastacio Peralta, chief of the Guarani-Kaiowa community was in the European Parliament to advocate for his community.

After a visit in Oslo and before going to Heidelberg, Berlin and Vienna, their program in Brussels was:

- To discuss with European members of Parliament to inform them of their situation ;
- To give a press conference at the international press centre;
- To participate in a meeting at the European Commission with Davide Zaru, responsible of the international relations in the Human Rights Unit.

They asked the European Parliament to check the respect of the laws by the European investors who are several in Brazil. Anastacio Peralta, leader of the Guarani-Kaiowa community has a main mission to help his community to get back their « Mother Land ».



Anastacio Peralta, chief of the Guarani-Kaiowa community

FIAN-Belgium also insisted during the meeting with Mrs. Eeva Eikila, advisor of Mrs. Heidi Hautala, President of the Human Rights sub commission at the European Parliament to defend certain issues inside the Parliament:

- To promote policies aiming to reinforce the access of the populations to resources (land, water, forests...)
- To promote sustainable agricultural policies respecting the right to food;
- To abandon the constrain quantitative objectives aiming to replace a part of the fossil fuels in the sector of transport by agro fuels
- To adopt policies aiming to reduce the transport and the energy consumption;
- To put an end to the financial incites that promote the production and the use of agro fuels.

Questions for the groups and the movements :

- *In your country, in your community, how did you get organized to face similar problems?*
- *What are, in your experience, the most effective way for lobby and advocacy?*

FINAL DECLARATION OF THE EXECUTIVE COMMITTEE OF FIMARC

We, the Executive committee of FIMARC coming from all continents and mandated by the world Assembly of FIMARC met in Assesse, Belgium, for a session on the topic “Land access and rights in the context of land grabbing”.

Land

From the beginning of creation, God created the earth and entrusted it to man to protect and use to produce food in harmony with all creation. So land is a principle resource, without which no life. Land is our mother, in her womb we were formed, and we will return to her in our rest. People who own the land have the honor and the dignity and power to control. Rural people define land as their social status, food, education and health. By these last definitions our land is valuable and can't be compared with even gold, weapons, cars, buildings as it is more precious than all. It's the mystery and key to life. "No land" means "No life".

Land Access and control

In Africa, Asia, Latin America and Europe, land was owned communally and the local farmers could easily access to land to produce food for their families and the communities. Today this is no longer the case and states have taken control over land. Access to land by small family farmers is becoming more and more difficult. Foreign investors (governments, TNCs, individuals etc) have more access to land than the small scale farmers. Land is accessed through Governments' and their officials or agents, local investors who speculate and buy huge chunks of land. Agreements are made secretly between governments for different purposes but not to produce food for the local populations.

Land is directly or indirectly being controlled by the powerful states, private investors, equity and mutual companies and financial institutions and even World Bank, and International Monetary Fund through their market oriented policies and programs.

This really influence land policies in the southern states. Governments in Sub Saharan Africa, Latin America, Asia and Europe have been compromised to implement a privatization policy, thus making land an economic commodity which can only be accessed by those with economic and political power. Very violent conflicts emerge within and between communities over land issues. The communal land ownership is no more existing in many places. This is a violation of the right of the communities - as they used to have land in a community based approach. Privatization has introduced leasing of land to nationals and foreigners, a systematic way of completely dismantling the customary land tenure system and common property rights. Using the growing populations as an excuse, Governments are giving large chunks of land to investors who are putting up housing facilities and the promotion of tourism industry which can never be accessed by the poor communities. Access to and control of land by farmers and local communities is a fundamental condition for food sovereignty.

Land grabbing and its consequences

Access and control over land is a pre requisite to realize the right to food for all. But in recent times land grabbing has largely increased. States and private enterprises act together with influential local intermediaries to buy or rent land and thus affecting the lives and the livelihood of the rural population. The perpetrators of land grabbers are making profits on land without any concern for farmers' rights and dignity, or the food safety and sovereignty of the people. It leads to farmers' marginalization and to transform many of them into "farmers without land." It impoverishes the local and native communities, by destroying the earth, the productive resources, accelerate the destruction of the ecosystem through the introduction of monoculture, and aggravate the climatic crisis.

As a result of this phenomenon millions of inhabitants are deprived of their ancestral territory for the profit of foreign or national private enterprises. This is also in many cases, creating a social vacuum while displacing the population. Land must be available for those who need it to feed and feed the local populations, in a sustainable way.

Land, the only means of subsistence of the local populations is taken and often they have been expelled from their own land due to the lack of legal protection to defend their land rights and tenure. In the context of land grabbing, small farmers becomes vulnerable as the profit motive investors or states violate even the existing laws and regulations. FIMARC notices the ongoing trends of the privatization of common resources most especially in Africa as well as in the indigenous communities of Latin America and Asia.

The transactions to rent or to sell land are occurring without the consent of the people in a transparent manner. FIMARC condemns such violation of the right of the communities. We also note the exodus of young people due to various constraints on land and productive resources and the deprivation of the property rights of women.

Land should be considered as a non-speculative property, controlled by the farmers and customary law. The agricultural policy must be decided by the people, to restore power to small farmers. We want to emphasis that states should enact legislation to protect and accurately indicate the conditions under which the changes in land use can takes place, and the procedure to be followed in this matter to permanently guarantee the rights of local communities. We need land policies and legal tenure systems to secure the land of populations and local communities. To ensure land rights for the most vulnerable, the implementation of genuine agrarian reforms is key.

We take note of the process of FAO Guidelines on Governance of Land and Natural Resources and we support this process provided that affected and vulnerable people are consulted and participate in it .It should be based on human rights ,guarantee people's right to land and support family farming. It should be the binding legal instruments to be implemented at national and international levels.

We criticize the World Bank principals for responsible agricultural investment (RAI) due to the fact that it is illegitimate and inadequate to address the phenomenon of land grabbing agenda which is presented in a sweeter term called Agricultural investment.

Land grabbing favors an agricultural system oriented towards large scale monoculture using GMO's, the replacement of farmers by machines, an exaggerated use of chemical products and non renewable energies. This agriculture is for the profit of some people and not for feeding the local population. It is just nourishing the benefit of a small number and increases the poverty of the others.

By joining the fight against land grabbing we are acting for the defense of the resources in land, water, biodiversity, environment, etc.

At this context FIMARC wants to express the solidarity to the following struggles of the local population where our movements are actively involved for example

- The struggle of the people in Orissa, India who are expelled from their land by the construction of a big mining and steel plant by Posco.*
- The struggle of the people at Fray Ventos near the coast of river Uruguay and Gualaguaychu city in Argentina who are threatened of land eviction due to the construction of a big paper factory from Finland which also will severely pollute the river.*

We are sure that family farming agriculture can feed the population of a country, of a region and has thus to be promoted. It is urgent to invest in organic farming or in an agriculture more respectful of the environment to save the biodiversity that is everywhere at risk.

It is necessary to implement an agrarian reforms based on Food sovereignty to fairly redistribute the land ,to ensure the small farmers' access to natural and productive resources - in particular, land and water - and fair and equitable controls to those resources.

We assert finally that we cannot accept any forms of land grabbing and we are strongly calling for the immediate stopping of all the land grabbing projects as theft of land is not acceptable and non negotiable for the local populations.

Assesse, April 2011.



News from the FIMARC

FIMARC Asian Seminar was held in Sri Lanka from 1st to 10th of June. It was hosted by our member organization CEC. The main topic of the seminar was the development threat for local communities in access to land in Asia. We will give you more information on this event in the next VMR.

World Food Day 2011 -Start to prepare for concrete actions

The Food and Agriculture Organization of the United Nations celebrates World Food Day each year on 16 October, the day on which the Organization was founded in 1945 in order to heighten public awareness of the problem of hunger in the world, to strengthen international and national solidarity in the struggle

against hunger, malnutrition and poverty, and to encourage the participation of rural people, particularly women and the least privileged categories, in decisions and activities influencing their living conditions.

FIMARC has been actively involved in supporting this call for many years and last year we have made a call to make some pragmatic actions in various countries in this regard. FIMARC Executive Committee decided to strengthen our World Food Day activities. The topic of this year World Food Day is « Food prices - From crisis to stability ».

FIMARC member movements will soon receive a call for action and please prepare for your WFD activities of this year.



FIMARC Asian seminar, Colombo (Sri Lanka)



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