



# Land Watch Asia

## Issue Brief

### Upholding Farmers' Land Rights: The fight against land grabs\*

**D**ismissed as a waning sector in the last two decades of the 20th century, agriculture is back in the economic agenda. Along with it, the free flow of capital rediscovered the economic potential of land. Only this time, commercial interest on land is not limited to agriculture. Mining, real estate development, industrial zones and tourism compete for the same resource.

Unfortunately, governance of land and other resources in many Asian countries is weak and managing these resources has become a big challenge. Many of the laws and practices, including land tax collection and dispute resolution, have been handed down from colonial regimes without much updating.

The cases documented by members of Land Watch Asia on this increasing competition for land tell of indigenous communities being driven away from their ancestral lands, mangrove forests cleared, women alienated from their productive resource, livelihood lost and increasing incidences of conflicts and insurgencies. These reports are disquieting for land in many developing countries in Asia is not simply a financial asset but a building block for national development.

#### New Institutional arrangements

All these land acquisitions are seemingly happening within the bounds of national and international legal frameworks. Though there are a lot of intimidations, secrecy in negotiations and transgression at times, they follow legal procedures. It is not like a conquistador subjugating the community and assimilating all the lands. Through international agreements and national master plans, new rules of the game have been instituted and unfortunately, rural communities are losing out.

In Indonesia, large-scale land transactions are part of the government's master plan to take advantage of global investments and compete in the market. In India, the State government itself facilitated the establishment of the Korean steel plant along with a port and iron ore mines. The marketing agreement of the banana export plantation in Southern Philippines was negotiated and signed by the farmers of their own volition.

Unfair land deals as exemplified by LWA documented cases<sup>1</sup> have reached a proportion that prompted governments and intergovernmental organizations to institute principles and guidelines

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The summary of the scoping studies are found in ANGOC's journal, *Lok Niti Land Grab: The Struggle Continues*.

See ANGOC portal.



## Recommended principles on responsible agricultural investments (rai)

### **Principle 1**

Responsible agricultural investment has free, prior and informed consent (FPIC) of communities that will be affected by the investments

### **Principle 2**

Responsible agricultural investment upholds land tenure security and respects human rights

### **Principle 3**

Responsible agricultural investment settles disputes in a fair, effective and timely manner.

### **Principle 4**

Responsible agricultural investment uses natural resources sustainably contributing to climate change

mitigation and adaptation.

### **Principle 5**

Responsible agricultural investment respects women, cultural heritage, landscapes, traditional knowledge and customary laws.

### **Principle 6**

Responsible agricultural investment improves the livelihood of men and women, people's food security and nutrition

### **Principle 7**

Complementary policies and programs support responsible agricultural investment.

for engagement. The UN Committee on World Food Security (CFS) for one has adopted with the *Voluntary Guidelines on the Governance of Tenure on Land, Fishery and Forestry in the context of National Food Security* as well as the *Principles for Responsible Investment in Agriculture and Food Systems*.

## Promoting farmers' rights to land

This changing agrarian relation in a liberalized economy will be a major challenge for land advocates. The issues and concerns will not only be limited between the farmer and the land but will now have to deal with the market. They will also have to broaden their linkages as land competition goes beyond agriculture and covers fishery, forestry and mineral mining.

As governance of these resources is weak and vulnerable to legal maneuverings, policy and legal interventions need to be strengthened. Laws and programs have to be improved in consonance with the current global guidelines on land tenure and responsible agricultural investments (see box).<sup>2</sup> Partnership with the academe for evidence-based policy work is essential as well as retooling of field staff.

Given these developments, LWA has to rethink its strategies and institute new approaches. The increasing marginalization of farmers, fisherfolks and indigenous communities due to the increasing commercial pressures of land should be reversed toward a more inclusive growth. This is particularly urgent for Southeast Asia as these countries implement the ASEAN Economic Integration come 2015 towards a single market and production base with free flow of goods, services, investments, capital and skilled labor.

Outlined below are the policy and programmatic work that LWA plans to undertake in the coming years.

### **Advancing Smallholder Agriculture and Local Food Industries**

Smallholder agriculture in many Asian countries ensures food security, provides livelihood to many, home to flora and fauna and contributes to the development of local culture and traditions. For them, land is life.

In a more open economic environment, agriculture is vulnerable to being reduced simply as an economic commodity and an instrument for financial transaction. The cases reviewed are replete with examples of this occurrence.



What used to be a betel vine cultivation sustaining a large population in Odisha, India will be replaced by iron ore mining and steel industry. The biodiversity spawned by mangroves in Central Visayas, Philippines will give way to fishponds, the ecological system of natural forests in Central Sulawesi, Indonesia to mining and monoculture plantations and the farming communities in Koh Kong Province, Cambodia to a tourist destination.

With the increasing demand for food, growing rural unemployment and risk of disasters due to the changing climate, Land Watch Asia will lobby governments and regional intergovernmental organizations to invest more in smallholder agriculture and the development of local food industries. Interventions will include a more organized production for smallholders to attain economy of scale, effective participation in the value chain and a good understanding of financial transactions. Additionally, land advocates will now have to work on providing legal support to market contracts, enhancing capacities of rural communities on financial management and monitoring global agricultural investments.

### **Broadening the Land Right Movement**

Advocates of land rights, indigenous communities' rights, and environmental justice are fundamentally fighting for the basic human rights of affected communities. The issues and challenges are essentially the same and cut across borders.

Human Rights Commissions in many Asian countries, however, have been silent in addressing land rights violations. They accept complaints but are unable to take action, as land right is still not officially included in their mandate. LWA as a co-convenor of the forum "Mainstreaming Land Rights as Human Rights" (16-17 September 2014; Phnom Penh, Cambodia) will pursue this policy intervention in influencing governments and inter-governmental organizations particularly ASEAN and SAARC to recognize land right as a human right.

Along side this policy intervention is the formation of a broad coalition of human rights defenders. Linking with all these various human rights coalitions will strengthen the movement and enhance their effectiveness. Partnership with the academe is valuable in reframing land monitoring towards a rights-based approach and in enhancing capacities of rights defenders.

### **Strengthening Land Governance**

With the increasing competition for land and other natural resources, advancing resource governance to strengthen tenure security of indigenous communities, farmers and fisherfolks takes on primary importance. Policy constraints that need to be addressed include the lack of legal and institutional framework, absence of land use planning, slow resolution of disputes resolution and unclear policy on investments.

This is particularly glaring in public lands and the commons where the most vulnerable sectors depend for their livelihood: indigenous communities, pastoralists, fisherfolks and upland dwellers. In some cases, conflicts arise even among themselves, as traditional arrangements are no longer appropriate.

Towards this objective, LWA will continue and strengthen their work on the enactment of land laws, effective implementation of existing policies, ensuring transparency of information, and timely resolution of land conflicts. ■



## Endnotes

<sup>1</sup>The summary of the cases are found in ANGOC's journal, Lok Niti. Please see <http://www.angoc.org/portal/agrarian-reform-and-access-to-land/lok-niti-land-grab-the-struggle-continues/>.

<sup>2</sup>While crafting specific policies and programs will have to take a number of factors into consideration, a set of principles can be agreed upon as guide and reference.

ANGOC and Land Watch Asia acknowledge the following organizations and writers who prepared the cases on land grab:

**Bangladesh:** Association for Land Reform and Development (ALRD)

**Cambodia:** STAR Kampuchea

**India:** Association of Voluntary Agencies for Rural Development (AVARD)

**Indonesia:** Consortium for Agrarian Reform (KPA)

**Nepal:** Community Self-Reliance Centre (CSRC)

**Pakistan:** Society for Conservation and Protection of Environment (SCOPE)

**Philippines:** People's Campaign for Agrarian Reform Network (AR Now!); Center for Agrarian Reform and Rural Development (CARRD); NGOs Fisheries Reform (NFR); Philippine Association for Intercultural Development (PAFID); and Pambansang Kilusan ng mga Samahang Magasaka (PAKISAMA).

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Founded in 1979, ANGOC is a regional association of national and regional networks of non-government organizations (NGOs) in Asia actively engaged in food security, agrarian reform, sustainable agriculture, participatory governance and rural development. ANGOC member networks and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs).

ANGOC is the convenor of the Land Watch Asia (LWA) campaign and the Asian Alliance Against Hunger and Malnutrition (AAHM-Asia). ANGOC is also a member of the Global Land Tool Network (GLTN) and the Indigenous Peoples' and Community Conserved Territories and Areas (ICCA)

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Land Watch Asia (LWA) is a regional campaign to ensure that access to land, agrarian reform and sustainable development for the rural poor are addressed in national and regional development agenda. The campaign involves civil society organizations in seven (7) countries—Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, and the Philippines. LWA aims to take stock of significant changes in the policy and legal environments; undertake strategic national and regional advocacy activities on access to land; jointly develop approaches and tools; and encourage the sharing of experiences on coalition-building and actions on land rights issues.



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ILC is a global alliance of intergovernmental, governmental, and civil society organizations working together with the rural poor to increase their secure access to natural resources, especially land.



As the overseas development agency of the Catholic Church in Germany, MISEREOR works in partnership with all people of goodwill to promote development, fight worldwide poverty, liberate people from injustice, exercise solidarity within the poor and persecuted, and help create "One World". MISEREOR supports projects and promotes local initiatives in Africa, Asia and Latin America, irrespective of nationality, religion or gender.

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