

Against land grabs. For Human Rights

Information on the UEM Campaign for Human Rights for 2012

The land will give its fruit,
and you will have all
you want to eat and
will live in safety

Leviticus 25:19



Lust for land and loss of life

Kenya, 2009: Gangs of thugs use bulldozers and sometimes police to pressurise local farmers and their families to sell or abandon their parcels of land. Dominion Farms, an agricultural company from the United States, intends to cultivate large plantations of rice, vegetables and maize in the Yala delta. The company is likely to achieve this goal.

In the Gran Chaco, on the Pilcomayo river in the north of Argentina, indigenous peoples live in the direct vicinity of monocultures where soybeans are being cultivated for export. Rights to land, water, and rights-of-way that have been passed through generations are being ignored. The government of Argentina is selling and leasing state-owned land to firms that are operating internationally and cultivating plants for the international food and biofuels markets. If the local resistance cannot be expanded, the government and corporations will prevail and lay waste to the area.

In the German states of Brandenburg and Mecklenburg-Vorpommern, organic farmers cultivate land leased from the state. After their leases end, the Federal Government will sell the land to the highest-bidding investors, who intend to cultivate maize for biofuels on the preferred industrial scale. The lessees have the right of first refusal, but they do not have the necessary

funds to outbid the investors. If the federal sales policy does not change, and no alternative credit lines can be established for the organic farmers, the old collective farms will change hands.

Madagascar, 2008: South Korean concern Daewoo plans to acquire 1.3 million hectares in the form of an inheritable 99-year lease arranged in secret with the president. Here they will raise maize as a food crop for South Korea and oil palms to generate biofuel. Interest on the lease is negotiated at zero dollars; Madagascar expects to receive a mere 30 per cent in taxes on the profits, along with the jobs created. The plan fails when the contract is discovered and there is political resistance from the population that forces the then-president out of office. The cultivation of rice by Indian concern Varun International, on the other hand, continues unimpeded on the 465,000 hectares they have leased.

Land has always been an instrument of power and dependence

These and other examples of aggressive land appropriation have since been found in studies by NGOs such as Bread for the World, the United Evangelical Mission, FIAN,



INKOTA, Misereor and the Forschungs- und Dokumentationszentrum Chile-Lateinamerika (Center for Research and Documentation Chile-Latin America, or FDCL).

This type of land takeover is also showing up in reports from the United Nations, the FAO (Food and Agriculture Organisation) and the World Bank. Sometimes this news reaches the editorial offices of the national media. The facts are enraging, but who gets worked up about such things? Is this really anything new? Land has always been an instrument of power and dependence. Cunning expropriations of land at the expense of local populations, or outright land grabs, are a familiar pattern of conflict. German investors were offered huge tracts of land in Paraguay in the 1970s. What makes the stories so different today?

For one thing, the globalisation of food security and the food model is new and has great potential for social unrest. With the world's population rising and the accompanying urbanisation, this promises increased demand for internationally traded foodstuffs, and sure profits in this sector alone. For another, food production is competing with plant cultivation directed toward animal feed and biofuels. The competition for space is increasing, with land prices sometimes rising dramatically.

Foodstuffs are becoming scarce and expensive, an object of speculation on the stock market. It was no coincidence that the boom in investment began with the steep rise in prices for rice, maize, and wheat in 2008. In addition, the global economic and financial crisis shrank the pool of reliable investments. The acquisition of land is therefore a rather lucrative investment. Investors are making use of this trend, purchasing giant tracts of agricultural land worldwide and expecting high profits. At the same time, states with high population density are trying to ensure the long-term food supply for their countries.

The global pursuit of land (to put it frankly) by foreign investors displaces small farmers, nomads, shepherds, and members of indigenous populations from their land. It is estimated that around three-quarters of this form of land-grabbing is taking place in Africa, where it massively threatens the land rights of the poorest of the poor and aggravates poverty and famine, in addition to destroying the environment and increasing poverty-based migration. In some places, this valorisation of what is sometimes the most fertile arable land is even creating sites where famine exist side-by-side with economic prosperity. All of this is shrinking the amount of land per capita worldwide that is available to cultivate food. The FAO

Commodity country: The example of West Papua / Indonesia

will probably have to conduct a new statistical survey of hunger soon (www.fao.org/hunger). The efforts that have been part of the Millennium Development Goals are being thwarted. With almost one billion going hungry, this is an ongoing scandal.

Policy is blatantly accepting of this. There are local governments and administrations that are making these tracts of land available. The Economist reports from Egypt, Angola, Ethiopia, Ivory Coast, Gabon, Ghana, Cameroon, Kenya, Congo, Liberia, Madagascar, Malawi, Mali, Mozambique, Nigeria, Zambia, Sierra Leone, Sudan, Tanzania and Uganda that governments are giving away leases for vast amounts of arable land. In Asia, this is happening primarily in Indonesia, Cambodia, Laos, Pakistan, the Philippines, Thailand, and Vietnam. In South America, countries such as Argentina, Brazil, Colombia, and Paraguay are affected.

The local population is denied access to arable land, drinking water, and watering holes for their livestock, fishing grounds and grazing land. Commercial agriculture uses large amounts of pesticides and chemical fertilisers, which in turn pollute stretches of water or make these unusable.

The indigenous population in West Papua has been suffering the effects of land grabs for a long time. Papua land is rich in rainforests, gold, copper, nickel, gas and oil. This natural wealth has become the people's undoing. After the end of the colonial era, the Republic of Indonesia appropriated what was then West New Guinea through political and military calculations in 1969. »We want the land; we're not interested in the apes«, then-president Suharto allegedly said. Since then, economic interests in Papua land have taken de facto priority over human rights.

Indonesia is the largest producer of palm oil in the world. The rainforests on the Indonesian islands of Sumatra and Kalimantan have already fallen victim to the cultivation of palm oil plantations. Now the Indonesian government is shifting its sights to West Papua. The last great rainforests in Indonesia and the world are located in an area of 422,248 square metres, about the size of Germany and Austria put together. Figures from the Indonesian economic ministry indicate that some 63,000 hectares of land have been licensed for palm oil plantations since the 1980s. The Indonesian government now plans to award seven million hectares of land for the cultivation of palm oil and other monoculture plantations.

By August 2010, the green light had been given to the energy and agriculture project MIFEE (Merauke Integrated Food and Energy Estate) in the south of West Papua. In an area of up to 1.6 million hectares of land, sugar cane, soy, rice, maize and oil palms will be cultivated under the slogan »Feed Indonesia and then the world«. The investors are national and multinational corporations that have close (family) ties in Indonesian politics and the military. Experience with previous palm oil plantations in West Papua shows, however, that several investors are not actually interested in planting anything on the land: often all they want is the valuable tropical timber. Once the forests have been cleared, the land lies fallow and is not planted. Along with the valuable timber, the investors are securing the »commodity« country for themselves.

Numerous reports from local and international churches and NGOs verify the human rights violations against the indigenous population of West Papua that are occurring in connection with the land-grabbing. Military pressure is used to drive the indigenous Papuans from their land; false promises from investors lure them into giving up their land. In very few cases is appropriate compensation given.

More and more Papuans are losing their economic livelihoods and falling into poverty because of the

clearing of these forests. The labour-intensive plantations are worked overwhelmingly by Indonesian immigrants: more than half of the 3.6 million inhabitants of West Papua are now migrants. The current plantation projects in Papua by the Indonesian government fan fears that this trend will go on, and the marginalisation of the indigenous population will get worse.

The indigenous congregations of UEM member church the Evangelical Church in Tanah Papua (Gereja Kristen Inji-li di Tanah Papua, or GKI-TP) are affected by the consequences of land-grabs as well. One example is the GKI-TP congregation in the village of Kaliki, in the Merauke district. The Indonesian investment firm of Medco promised the population roads, houses, work, money, and goods in return for their land; the inhabitants of the village turned it over. They lost their land, but the promised compensation failed to appear. With the support of the UEM in Wuppertal, the GKI-TP is doing what it can for the rights of the people in Kaliki and other congregations that have been affected.

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A country such as Colombia could easily provide its nearly 46 million inhabitants with enough food on its own.

Yet in 2009, the country had to import 13 million tons of food, a tendency that is increasing even as gigantic tracts of land are being planted with oil palms. Indonesia is sacrificing its tropical rainforests in Kalimantan and West Papua to the cultivation of oil palms or jatropha plants for the purpose of manufacturing palm oil and kerosene, with serious consequences not only for the cultural practices of the local population, but also for the global climate.

Local European governments are also promoting the cultivation plants as animal feed or as the basis for biofuels. More than a third of the global grain harvest is used as animal feed. In Germany, the cultivation of maize for biofuels rose to 530,000 hectares in 2010, twice the size of Saarland. The European Union intends to double the use of biofuels in the transport sector by 2020, to ten per cent. Since January 2011, however, EU guidelines have required that the manufacture of biofuels satisfy the criteria for sustainable cultivation and must pass through a certification stage. But the certification does not prevent people from being driven out of their lands, nor does it stop the spread of famine.

Who is buying or leasing the land? Along with transnational concerns, purchasers frequently include powerful, moneyed countries whose own supply chains can be precarious, such as China, the Gulf States with their extensive deserts, Saudi Arabia, India, South Korea, Japan and to a lesser extent Jordan and Egypt. These countries register demand that is rising enormously for foodstuffs and raw materials from agriculture, while the necessary tracts of land are not available on their own soil; these are sometimes blocked by plants that are destined for export. China has emerged as an investor in the Democratic Republic of the Congo (palm oil), Mozambique (rice), Zambia (biofuels), and Cameroon (rice), among others. The costs of cultivating raw materials are particularly low in Africa.

Private investors such as Goldman Sachs and DWS Investments (Deutsche Bank) are also speculating on the increasing value of the land. DWS Invest Global Agrobusiness finances sugar cane cultivation in Brazil, Cambodia and Thailand, and the growth of oil palms in Nigeria, Ghana, Ivory Coast, Gabon, Indonesia, and Malaysia, but their advertising does not mention the need for capital investment in developing countries in order to ensure the food supply. The investments in agriculture are therefore regarded as an opportunity for developing countries, but



the investments go into acquiring the best arable land with sufficient water and access to the market or export ports.

There are no plans for funds in the form of infrastructure works. This stands in contrast to China and some Gulf States, which build roads, harbours and individual clinics.

The selling or leasing countries hope for foreign currency exchange and income for the state, investments in the modernisation of agriculture, expansion of infrastructure, inclusion of the local economy into the world market and the transfer of knowledge and technology. Do such expectations stand up to reality? This type of agriculture creates only a few jobs; planned infrastructure measures are rarely implemented; tax breaks for investors minimise the income for the state; the necessary importing of foodstuffs increases dependence on the world market.

The consequences are dramatic for the local population. Formal, verifiable property and lease titles tend to be the exception, and conversely, access to land, water, and paths that has been passed down is not recognised as a binding, long-established legal right in the event of disputes. The relatively simple flow of large streams of money from investors not only concentrates control

over land and water, but also structures the images and decision processes about the future shape of the region.

Traditional use of land, the safe basis of the local food supply, is swept completely to the side and denounced as backward. The contracts between governments and investors generally remain secret, fostering corruption. The involvement of the local population in decision processes is limited, or not intended at all, with disastrous consequences for future processes of the democratic formation of opinion and decision-making.

Rules for land allocation

Civil society and human rights organisations warn of the de facto grabbing of land not only as a means of production, but also as the basis of cultural and spiritual existence, as well as of the political consequences. The anger is not only growing in larger European cities, and not only among the unemployed; it is simply overflowing. The hunger revolts of 2008 in Mexico and Haiti indicated the potential for unrest. The Haitian riots were also one of the reasons for the World Bank and FAO to draw up rules for land allocation in the context of aggressive misappropriation of land. In March 2010, the World Bank adopted »Principles

for Responsible Investment in Agriculture» but these do not develop any binding legal rights and instead represent a voluntary commitment on the part of corporations.

The FAO is still in the drafting process and is collaborating with non-state actors; at the end of this process, in fall 2011, there should be guidelines available for the use of land and resources.

The UN Human Rights Council at its 7th special session in May of 2008 dealt with the crisis of what then was a dramatic rise in food prices. Unanimously adopted resolution A/HRC/S-7/1 commissioned the UN Special Rapporteur on the Right to Food in particular to take part in meetings of the FAO and to report to the council about them afterward. It can in any case be said that the Special Rapporteur's involvement in the FAO conference on world food security in June 2008 accelerated the discussion within the FAO on the role of organic cultivation by small farmers. The 10th special session of the Human Rights Council, in February 2009, likewise focused on the international structure of value creation because of the economic and financial crisis, in order to assess its consequences on the human rights to life and an adequate standard of living, including food, housing, and access to water. Resolution A/HRC/S-10/1 commissioned

various special rapporteurs on the topics of food, housing, health, poverty, and migration, in order to study and document the consequences of the economic and financial crisis on the human rights of the poor and of especially endangered populations.

The preceding overview of the phenomenon of land-grabbing has already made it clear that de facto land grabs infringe upon human rights: the right to life, to social security, and in particular the right to food and the right to development. The social norms are set out in the International Covenant on Economic, Social and Cultural Rights of 1966 in Article 11, in which the states parties recognise »the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions«.

In his 2009 report to the Human Rights Council (doc. no. A/HRC/13/33/Add. 2), Special Rapporteur on the Right to Food Olivier de Schutter called for land acquisitions and leases to use human rights standards as their guiding principles.

Accordingly, changes in land use were to be based expressly on the free, informed and advance consent of the local communities. Local, informal land rights and land



usage were to be researched and registered before any change, with relocation be viewed only as a last resort. Labour-intensive cultivation of the soil was to be encouraged, and a certain percentage of food was to be cultivated for the local market through the new usage. Finally, sales or leasing contracts were to contain enforceable obligations for investors.

When evaluating trends in the agricultural sector, de Schutter has come to the conclusion that with appropriate investment in small farmers in precisely those countries facing food shortages, they could double their production with organic methods of cultivation within ten years (UN document A/HRC/16/49, March 2011). He consequently favours a global transformation in cultivation methods and investments in agriculture. The international movement »La Via Campesina«, made up of small farmers and agricultural workers, is taking aim in the same direction, positing that the notion of food sovereignty includes the right of all peoples to the self-determination of their agricultural and food policy. This not only comprises the right to food, but also encompasses access to and control over natural resources such as land, water, and seeds.

Self-sufficiency, local and regional trade should take priority over exports and

world trade. In view of the global potential of agriculture and the production and distribution structures promoted politically, former UN Special Rapporteur on the Right to Food Jean Ziegler classified the deaths of children from hunger as murder.

What is to be done?

The lust for land and the degree of aggressive land appropriation is the expression of a consumption and usage mentality that defines growth itself as a measure of development and divests it of all social elements. Many policy areas, including the establishment of constitutionally mandated conditions, are being affected in order to bring about a transformation in this area, so that protest will be possible without personal danger and local communities will be able to be included in decision-making. Transformations are also coming in the form of agricultural reforms and legal certainty for local populations: to nomads, for example, when land rights are allocated, or in countries like Germany when consumer behaviours such as meat purchases and fuel consumption are affected.

Moreover, it is obvious that investments in land and food production must be regulated and examined by means of binding international directives.

The manufacture and trading of biofuels and animal feed must meet ecological and social standards. Certification of such products must firmly take into account not just the environment, but also social standards, especially because of experiences with land rights, as well as the right to food and water, labour rights and the specific rights of indigenous peoples. The German Federal Government could advocate actions such as adopting social criteria in EU directives on biofuels and taking these into account in German sustainability regulations.

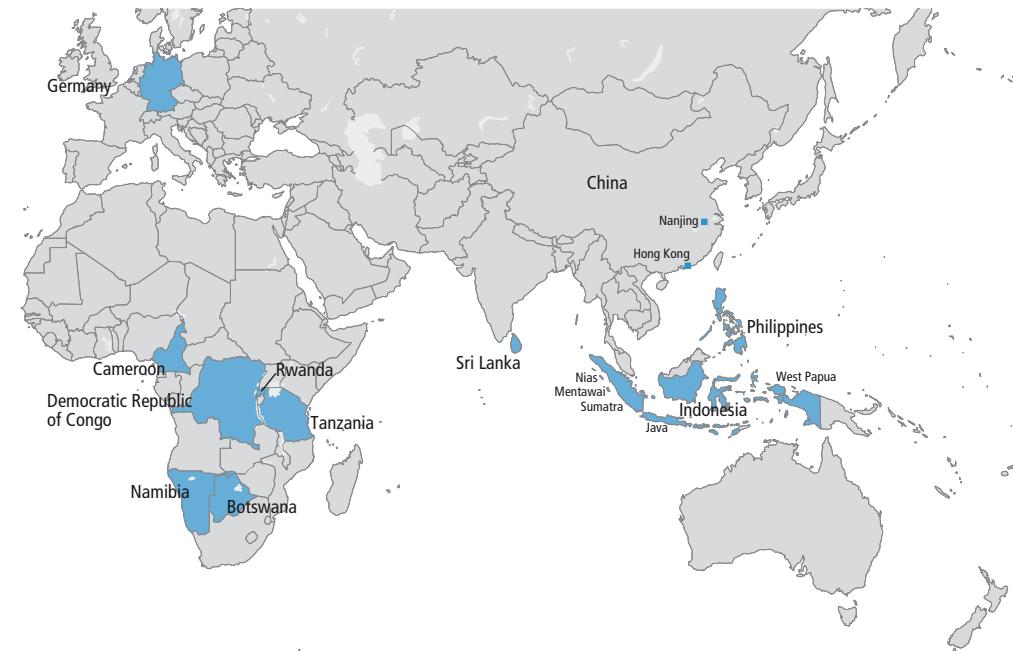
Churches are in a position to support constitutive decision-making. Dr Victor R. Aguilan, Professor for Christian Ethics and Church History at Silliman University in Dumaguete, Philippines, made reference in a discussion about social crises to the Israelite exodus from Egypt (Exodus 16:1-15) They ended up in material hardship in the wilderness; there was not enough food or water. God let manna fall from heaven. It was not suitable for feasting, but it alleviated their immediate hardship and helped them to reach their actual destination, the Promised Land.

It seems that the Israelites were faced with a decision: to choose between the bread of the

pharaoh —meaning social security guaranteed by a powerful ruler but also the descent into slavery with their eyes open — and continuing to pursue the arduous course through the wilderness toward freedom. Trusting in God, the Israelites decided on the prospect of a life that was better because it was free.

To whom will we be beholden; what is our Promised Land? The tradition of the church in matters of justice, together with the realisation of human rights, suggests that we focus our decision on those threatened with starvation or suffering from it, to stand up for the involvement of the local population in decision-making, and to respect their right to follow what may be a different path to a good life than that to which we are accustomed. The decision to live a free life could inspire us to do things such as comprehending the investment in the organic businesses of small farmers as a sure investment for the future. Churches could be the platform for such ideas, actions, and campaigns, as well as the organisation of the necessary resistance.

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