

Dear Bruce,

It was wonderful to go through the detailed EU draft land policy guidelines. For us in the SDF, the vast experience that we gained from our past work came handy. At present I was terribly busy trying to link more and more people's movements of various parts of India. We have focussed certain states like Madhya Pradesh where tribal population is very big, Chhatish garh, Bihar and Jharkhand ( another tribal state) and Maharastra apart from Uttar-Pradesh. You will be happy that a strong women's movement and a farmers movement is already taken roots in Mau where the CEF work is going.

I have just returned from a trip from tribal regions of Madhya Pradesh and that's why I am here sending you some observations on the EU policy guidelines. I am pointing out serially.

1. Land issues are crucial for economic development. I think one must add here social development as well because land is definitely a social issue and not just related to Economy of a family and in the subsequent pages this is even admitted.

2.2.3 When we say protection of minorities and marginal groups it is important that emphasis must be made to Indegenous people, Dalits ( this word is now globally recognised for oppressed people) and women. Every country should make a list of people belonging to these catagories as there are number of caste and religious denominations.

3.2.3 Inclusion of Dalits is a must in the list.

3.3.3 Customary land need to be put on the papers now and for that a proper reevaluation is needed as the beurocracy often does not accept the customary laws.

#### Land Policy Conflicts and Post Conflict Recovery

It is important to understand as what has resulted in conflict. It is not just scarcity of the natural resources. It is also the illegal occupation of these resources. Displacement of the indegenous people has been one of the major factor of the land conflict apart from feudlocracy and racial caste system in our socieites. It is therefore important to recognise these factors also. The policy paper therefore, must have a rehabilitation package. One does not know why word rehabilitation has not been used anywhere in the entire draft document while replacing it with restitution. Secondly, adequate compensation is also a major conflicting issue. In most of the cases compensations are given on government rates which are lower than the market rates as well as on old dates while ignoring the current realities. More conflict grows due to bureaucratic antipathy. Hence a Land to Land package could be a better idea.

3.5.4 As far as mapping and other administrative things are concern, administrative language is still old Hence it must be mentioned in the draft document that all measuring units should be of internationally used units like meter or square meter or feet. We have the old measuring units of mughal period which people don't

understand and they differ at different places. Secondly, they must be made computerised and cleanly mentioned. Problem with land records is that they are deliberately written in illegible handwritings so that the land administrator could manipulate things.

3.6. Land policy must have a say from the local governments. In India there are laws and land is a state subject. While democracy has reached the lower tier of district and village level in the form of Panchayat raj, the state government are not willing to divest their rights in favor of the Panchayats and hence in most cases Panchayats are not even asked before vast reservoir of natural resources are handed over to crony individuals of the governments.

Land Policy and Environment : It is important to underline the fact that environment degradation is a major issue. Due to environmental activism, tribal and indigenes people have become victim of the bureaucracy. Many Indian states have been doing this. It is important to highlight as who is destroying the forest. If we conclude that tribals are responsible for environmental degradation while ignoring the vast empire of mining agents and wood mafias, then we are doing a great injustice to them. The Joint Forest Management Programme failed because it included social activists, Panchayats but rarely included the victim groups. It did not have a direct one to one discussions with them. It had meetings with them just to justify our actions. Most of the JFM members belonged to village elite and hence without participation of the people who could make it a success.

4.3. Effective monitoring is needed for land redistribution or rehabilitation packages. Land for land is important issue apart from schooling and health care.

4.6. Major issues of conflict over natural resources is displacement, existing feudal system, lack of implementation and ignorance as well as lack of partnership and participation.

Action Required : Ensure effective implementation

Key Principles of Successful Policy Design :

5.7.11 Gender issue need a careful approach. Every title should have joint ownership in the name of husband and wife or brother and sister.

Slogan of land to the tiller does not function well in case of gender because women work more than men but do not till the land hence land automatically does not go in their name. This slogan has a male bias.

5.7.13 Rights of minorities and Indeg. people ( must incorporate Tribals, Dalits and other marginalised groups, women cannot form the general category as a whole but from these sections only)

The issue of Privatisation need to be carefully discussed. it is against this a large number of International Human rights groups and NGOs have united the victim groups. We would suggest that any area where the private parties want participation must be in sharing of the local government as well as local population where the people are concern, which means that people who are willing to give their land for use

to private parties must be made shareholder. Secondly, in case any agreement is reached the private party must not only pay a comprehensive rehabilitation package but also ensure environmental protection. It cannot be allowed that the people are displaced in the name of protected areas while same areas be allowed to be destroyed by the private parties.

Remedies such as Optional Protocol on Economic Social Cultural rights may be made effective while involving private parties. They must adhere to local norms and rule of law while protecting environment and ensuring people's participation. The issue of social justice cannot be ignored even if the matter goes in the hand of private parties. In all this could be the most crucial issue for EU and need more deliberations.

With regards,

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