

LAND: MERCHANDISE OR HUMAN RIGHT?

Promoting rights-based land reform

through European land policies for development co-operation

Brussels 13-14 April 2004

SUMMARY REPORT

Background

In 2003, the “EU Task Force on Land” in the European Commission embarked on drafting common land policy guidelines, aiming at providing operational guidance for EU state members when appraising interventions in support of land policy design and implementation in developing countries. It is supposed to be approved soon by the Council of Ministers.

While welcoming this initiative that opens the possibility to define a distinctive “European approach” to land reform issues in order to contribute to the realisation of the human rights of rural populations and to guarantee the food sovereignty of all people, civil society is concerned with its lack of influence and participation in the drafting process. This is particularly true for farmer movements, women and indigenous organisations, the main target groups which are vulnerable by lack of access to land.

This seminar intended to briefly evaluate reform policies in the past decade and to draw a lesson for future strategies. One particular problem was emphasized: The danger that the European Land Policy Guidelines would too swiftly follow the World Bank-like strategies of consolidating land markets without adequately addressing the interaction between land policies and trade rules, socio-economic policies, investment and macroeconomic policies. This is especially important when analysing world-wide figures of farmers, women and indigenous people being driven off their land, still-increasing land concentration and rural violence.

A co-operation between several NGO's (FIAN, 11.11.11, WarOnWant), farmers movements (Via Campesina, CPE), and parliamentarians (GUE/NGL), facilitated the presence of speakers from all continents, in order to speak about the regional issues related to land reform, especially for the most vulnerable groups in society. This showed the relevance of using a regional consultative approach for designing land policy guidelines.

Agenda

The first day focussed on the analysis of agrarian reform experiences, market-led land policies, the link between pro-poor access to land versus food and other phenomena such as rural violence, and the concept of food sovereignty as an alternative encompassing approach. The main lacking issues in the EU Land Policy Guidelines were discussed and agreed upon.

The second day focussed on participatory regional experiences to define national land policies in the South, and the role that a European land policy should play.

13th April

Yasmine Boudjenah, MEP of the United Left Group, welcomes the joint initiative of farmers movements and NGO's. It is clear that land is crucial for poor people, the majority of whom is living at the countryside. The European Union therefore plays an important role, not only to promote free trade and the privatisation of resources, but also to safeguard access to these

resources for the poorest. The EU has already missed important opportunities to this respect, but could make of its new Land Policy Guidelines a truly redistributive instrument combating exclusion from the land. This conference should also reflect on related and internal issues, such as the consequences of the Common Agricultural Policy on driving farmers out of agriculture.

Lessons learned from agrarian reform during the last decades

Raj Patel

Land Research Action Network / FoodFirst
USA

Raj Patel introduced to the seminar the dual interpretations of land reform, which can be imposed on history from a particular point of view. As such, the World Bank is imposing its views on how to solve problems, without paying attention to alternatives. Indeed, land reform is often no longer seen as a matter of social struggle, originating in the colonialist land concentration processes such as 17th century England or 20th century India, but as a mere technical optimising exercise. But land reform is not a menu of technical fixes, but a series of tough political, social and cultural choices. A reducing view fails to acknowledge deep social injustice in resource distribution of many countries, and the importance of land for the survival of the majority of hungry people, who live mostly in rural areas. Declining intervention of states, not only in land issues, but also in related issues of market functioning and social welfare programs, has further decreased rural income and increased inequality. Commonly known consequences are the rural exodus to cities or abroad (remittances of Mexican workers in the US has become the largest income in the Mexican economy), growing informal economies of survival (the number of Indian women working in this sector has doubled over the last decade, to 50 million), and social exploitation of workers on a saturated labour market.

But there is an increasing social response. The organised struggle to regain control over a plot of land can be seen in a global struggle for control of life itself (e.g. water, schools, hospitals, remunerative prices, reproduction...), without which land reform itself makes no sense. Land should not be fetishized; it is rather the central element within a political space that allows food sovereignty of all people, to define and control its own food production system. These struggles and objectives are by definition locally sensitive and specific, based on communities, which want to participate in national development based on the principle of subsidiarity. Because that is what it's all about: a sustainable democratization of rural areas and their vulnerable population, as opposed to the one-size-fits-all strategy of the World Bank.

The counter reaction of vested interests in development processes, which feel their property rights challenged, the very base and outcome of their development vision, is worrying to say the least, because it tries to weaken redistributive land demands, mostly resulting in violence. However, the development community should realise that this violence will ***get no tum*** if the structural causes, the land concentration and the investment-export orientation of development programmes, are not addressed. Historical examples after World War II show this: countries that performed well on certain land reform indicators such as poverty reduction, increased nutrition, increased civic participation (Japan, South Korea, Taiwan, Cuba, Chile, maybe China) mostly experienced stable economic growth, good governance, control over domestic food production, a fair health care system, etc.

To obtain lasting peace in the countryside, it is not sufficient to use land merely for profit generation and to try to alleviate social problems afterwards. Concentration of land within an elite-controlled industrial agricultural system does not lead to democratization and therefore

prevents redistribution of resources. Therefore, the inequality and exclusion of which vast masses of rural dwellers are victim, must get priority in redistributive land reform policies. That will be the stress test of any EU Land Policy Guidelines. The social function of land property must be re-established in honour.

Land Bank's demobilization of law and popular movements

Flávio de Souza Mello

MST, Brazil

Flavio de Souza Mello made a roundup of the interests which complicated the access to land and the related struggle of the Movimento dos Sem Terra (MST) in Brazil during the last two decades. The main target of the social struggle of MST have been land concentration in *latifundios*. The second focus point are the neoliberal policies, principally implemented during the Cardoso government, and supported by the World Bank, especially by its Land Bank program. Land reform achievements that have been realized, although totally sufficient, has been entirely due to very existence of social pressure. The land struggle has also become a reference for other excluded groups: 'Sem', without, can be applied to so many more social groups that are without income, without education, without water, without a voice. MST has therefore supported a real democratisation process in Brazil. Although the movement has been delegitimised in all possible ways, this process cannot be ignored.

Interest of the World Bank in land policies can be explained for two reasons. The first reason is financial: Brazil is obliged to pay back on its external debt, and should therefore invest as little money as possible for land redistribution. The second interest is to implement neoliberal ideologies of financial concentration and creating markets which are controllable by and are generating profits for only a few. Low salaries, unemployment and high inflation complement the picture.

The Land Bank was introduced as a model to be implemented in other countries during the nineties, but proved to be quantitatively insufficient to a large extent: instead of the anticipated 15 million families, only 900,000 families could get access to a piece of land. This program was accompanied by a credit program, the interest rates of which were considerably higher than the previously existing programs. No structural assistance was provided for, which resulted in a majority trying to pay off loans working on poor land without technical assistance, roads and so on. The Land Bank has no social dimension: it does not target consistently unused land within large estates. To the contrary, it demoralised the social struggle for genuinely redistributive land reform. ***Finally***, he concluded that the main solution for the land problem stays with social movements as a driving force, which have to be supported by the government.

Time for harvesting violence

Hector Mondragón

CNC, Colombia

Hector Mondragon described the logic behind the "TIEMPO Y COSECHA" tactics of the Colombian government. What has happened in the last two decades, is an agrarian counter-reform, a massive displacement of about 3 million people (600.000 families), both consequence and generator of violence, which is now being institutionalised by the government. Their land is being increasingly concentrated within the hands of some 15.000 land owners.

This second wave of rural expulsion and violence (after the period of 1948-1958, with 2 million campesinos displaced), has caused an increasing concentration of land: in 2002 0.4% of official land owners possessed 61% of all land, according to studies of two government institutions. Plantations have expanded (e.g. sugarcane, palm oil...) and vast areas are subject of speculation for infrastructure investments. Because of this link between land and capital investments, people living on or occupying land owned by ambassadors, REPSOL... recently have been massacred. To compensate for the loss of basic food crops production, their imports have increased dramatically. So cheap food comes from countries where agricultural production is heavily subsidised.

The land issue is the most important cause of violence, not the drugs war. Whatever the driving force, the result is that peasants are losing their land. Although violence is now decreasing, it is mainly because not many popular leaders are left to kill and not many farmers are left to be driven off their land. Now the time of reaping the results of terror and violence has come for the political elite. Inequality and injustice, created during the past twenty years, are now being consolidated by a series of measures, of which some examples:

- the Land Reform Institute has been closed,
- the juridical principle of the social function of land property (“who works the land should own it”), a result from the peasants struggle in 1936 and first weakened in 1957, has been virtually eliminated. The legal principle of designating land that has been idle for more than 3 years for agrarian reform, has been lost with the approval of a law by the Uribe government. As such the way ahead for land concentration for speculative purposes is open. In 2002, the Uribe government approved a law which changed the period one has to have been working the land to obtain an official title to the land: the beginning date changed from 1917 to 1984. As such, a lot of illegal land grabbing in the past has now been legalised with official property titles.
- a new law has been passed which stipulated that the right to a piece of land expires after **five** years of not having worked nor reclaimed it, hurting thousands of peasants refugees, which do not dare to return yet.
- The judicial powers of the democratic system are being weakened in favour of the executive power, to avoid the possibility that law or norm changes would hurt investors in the future (one of the rules of the free trade agreement with the U.S.)
- investment projects are announced causing land concentration for speculative purposes...
- land titles of peasants can be lost by acting against ‘morality’ or ‘economic and social order’, turning upside down the logic of decades of land reform

The World Bank land reform project just distracted the attention from this huge displacement happening. However, the results can be almost neglected. Over the last years, the number of families receiving plots of land decreased up til the moment the project just fizzled out.

As a reaction, civil and popular movements have been protesting against these measures, for the first time with a general strike in 2002, when Uribe was still relatively popular. Alternative proposals for land reform have been proposed, including:

- Assigning the more than 4 million hectares of good agricultural idle land for redistribution
- Recognition of communal land rights of indigenous communities
- Strengthening the internal market based on agrarian reform measures as a measure of economic development, instead of signing free market treaties
- Participation of black, indigenous and other peasants in the development of regional plans and investment projects

These issues are to be taken into account in the EU document, if it wants to recognize the problems in a Colombian context.

EU land policy guidelines and the human right approach to land

Sofia Monsalve

FIAN-International, Germany

Sofia Monsalve made a summary of positive and negative elements of the Land Policy Guidelines from a rights approach, particularly the right to feed oneself. Actually, there are different land policies, such as the World Bank land market liberalisation, and the opposite concept of food sovereignty, building up from the base by social movements (such as in the Philippines).

Positive elements are a low degree of dogmatism, as encountered often in World Bank or even FAO documents. Starting from the concern about land-related conflicts and rising levels of rural impoverishment, the draft stresses that land is not just a commodity, but rather the main source of livelihood for rural communities, with strong political, cultural and spiritual meanings. The draft recognises that land policies express, implicitly or explicitly, the political choices made concerning the distribution of power between the state, its citizens, and local systems of authority, and calls for a careful and well-implemented approach which places current land issues within the broader historical, political economic and social context. The draft makes a strong case for EU land policy to focus on land and poverty, land and gender, and land and environmental issues, and focusses on providing security of land access by property rights and titling schemes. We welcome very much these elements of the guidelines. However, the door is left open for purely neoliberal policies as well.

What is *lacking* however, is a thorough analysis of the causes of hunger and poverty in rural areas. The draft largely ignores the interaction between land policies, trade rules, socio-economic policies, investment and macroeconomic policies. The EU guidelines need a deeper understanding of this interaction. Land policy reform should be complemented by (a) an enabling support structure and sectoral policies to small holder farmers and (b) a macroeconomic policy framework (or setting) that allows such rural producers to gain an adequate income and initiate connected non farm job opportunities. Otherwise, the improved access to land for the poor will not be sustainable. The participation of target groups in the decision-making process is absent: throughout the report, the word 'farmer' is only occurring three times!

Apart from the brief mention of indigenous and minorities' rights, the draft ignores the relationship between land and human rights issues. This relationship is crucial in setting standards, in determining the role of different actors and the necessity and priority of certain reforms and policies. Therefore, the EU guidelines should adopt a human rights approach to land issues by implementing international human rights law.

Priorities: the draft is unclear about the status that land policy reform should have in European development aid. Land policy reform aimed at combating hunger and poverty, at improving gender equality, and at ensuring environmental sustainability, should be prioritized in European development aid.

Finally, concerning the *methodology*, the draft lacks both clear rules of procedure, and independent monitoring and complaint mechanisms, in order to hold the activities of the European Union and its member states accountable and responsive to the affected groups. The EU guidelines should demand the setting of benchmarks, rules of procedure and independent

monitoring and complaint mechanisms in order to ensure a meaningful and real participation of civil society, for any land policy intervention.

Belgian land issues and their relation to agricultural/commercial policies

Louis Nicodème

CPE, Belgium

Louis Nicodème, Belgian farmer and member of CPE, shows during his short intervention that although land problems and policies are always discussed in a Southern context, they also play a role here in Europe. In fact, commercial and investment policies, together with pressure on land from other sectors, have overheated land assets and rental markets. In Belgium, for instance, although farmers always had a good protection for long-term rent, low official rent amounts (max. 250 euros/year/ha), and the right of a first bid when a plot becomes available, land has become inaccessible for new or young farmers. Land prices have plummeted (up till 25,000 euros/ha) and land owners do not want to rent plots anymore at the official low rates, but receive money 'under the table' or have it cultivated themselves to get subsidies, or sell it at high prices when they achieve to change the destination of the land. The lack of political will to intermeditate and to create an institute for land management, makes it impossible for young farmers to invest in land, let alone other infrastructure investments. If they succeed, they will be put under enormous pressure to pay their mortgage and the risk of losing their land again is very real.

The 1992 Common Agricultural Policy reforms made things even worse. Because of the subsidies received by each hectare of cultivated land, without ceiling, land owners created a company to manage their land and have it worked by subcontractors. As such, they have grown and often occupy more than 1000 ha by now, which is enormous according to Belgian proportions.

14th of April

part 1: Alternatives from farmers' movements
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Recognition and defence of communal land rights

Diamantino Nhampossa

União Nacional de Camponeses de Moçambique (UNAC)

Mozambique

Before 1960 the Native Status Law reserved the best land (fertile and near big cities) for the colonists. After the abolition of the Native Status Law the situation remained basically the same, even though the black majority of the population got equally access to good land according to the legislation. After Independence in 1975 the policy of the newly born State was influenced by socialist ideology. The principle of land privatization was rejected. Article 8 of the Constitution ruled the state ownership of land and all natural resources. The process of land ownership by the people resulted from the liberation struggle. Its basic principle was: Land belongs to the People.

The first Land Law was issued in 1979 and stated that the state was the exclusive owner of land and had the power to stipulate the conditions under which it can be used. In general, land use rights of small producers and family farming were protected.

The main problems of the Land Law of 1979 were:

- Land could only be accessed through a land title (government document entitling individuals to use the land).
- It was very expensive for the rural poor to get land use titles.
- Agencies issuing land use titles were hardly accessible for the rural population because they were based in towns and capital cities. The proceeding was also very bureaucratic.
- In the 1980s officials, military elites and influential business men grabbed land from the rural poor for speculation and tourism projects.

In 1987 the market economy was introduced in the country and Mozambique got the first loan from IMF and WB. As a condition they demanded the revision of the socialist oriented constitution particularly the privatization of land (land should be alienable and used as collateral). This revision did not take place and the government reaffirmed the state ownership of the land and rejected land privatization as the only mechanism to assure access to land to the rural poor.

Due to the complaints of the rural communities and their call for changes of the Land Law of 1979 the government undertook its revision from 1995 to 1997. UNAC was invited to represent small holders in the governmental commission mandated to revise the Land Law. UNAC presented 4 proposals:

- Occupation rights: occupancy of a plot in good faith for 10 years confers ownership rights to the occupant. Occupants do not need a title for the recognition of this right.
- Customary law: Local rules for land transfer should be enforced.
- Community land: Introduction of community land titles,
- Community consultation: Communities must be consulted about investment projects.

All proposals were included in the new law.

Other achievements of the new law are that equal rights to land are guaranteed to women and men and the tax exemption of land for family use, local communities, cooperatives and associations.

The situation today

Mozambique is poor and needs to pull out from absolute poverty. Agriculture is the most important sector of the economy. The government is calling for investment in commercial agriculture. Lack of proper rural extension services and other services weakens the small producer's agriculture. Lack of proper distribution of food stocks causes hunger in some parts of the country.

The World Bank is pushing for land privatization alleging that this is the key to agricultural growth for ending poverty. The current Land Law is taken as the main obstacle to invest in agriculture. The World Bank also promotes land markets, which is against the national constitution. Moreover it encourages the export of cash crops, the liberalization of agricultural trade and the privatization of extension services.

Foreign investors from Zimbabwe and South Africa are trying to enter into the country looking for land for commercial agriculture, tourism, mining and industry. Small producers are encouraged to give up and sell their land, although this is illegal. A constitutional amendment is on its way and might give in to the interests which have been promoting the privatization of land.

UNAC's position and alternative policies

Land Law should remain as it is. It guarantees the enjoyment of social and economic rights of peasants and sets the legal framework to realize the human right to feed oneself and the peasant's rights to produce and defend their food sovereignty.

Land distribution or protection of land rights by law is not enough to end poverty and hunger. It is necessary to implement agrarian reform programmes which are supportive to family farming and small scale agriculture.

Mozambique is dominated by small holder producers. Out of the 36 million hectares of arable land, only 14 million hectares are under cultivation. 88.7% of the cultivated land belongs to peasants, and 97% of the cultivated fields have less than 5 hectares. In these field peasants plant various crops (staple and cash crops) in the same plot and rear domestic animals. Only 30% of the cultivated land is used for monocultures. Peasants do not use many chemicals. Only 1.2% of the fields use fertilizers and 2.2% use pesticides.

Summarizing, the government of Mozambique should define strategic priority areas and actions such as:

- Financial services: formulate and implement a plan to address family sector needs for financial services.
- Roads: solve the constraints to agriculture due to the lack of proper roads at province and district levels.
- Market for agricultural inputs, products and services: stimulate local markets for key inputs (organic inputs), products and services.
- Access to simple agricultural technology and advice: Develop an effective research and extension services system run by the state and responsive to the needs of small farmers.
- Peasant movements: strengthen peasant movements and their lobby and advocacy work.
- Enabling environment for the development of small holder's agriculture business: establishing and enabling business environment for the development of family farming.

To a truly participatory approach in designing land reform policies

Marius Dia

Conseil National de Concertation et de Coopération des Ruraux (CNCR)

Senegal

CNCR was founded in 1993 as a national platform to represent family farming and small producers interests. It is an alliance of 20 grassroots organizations (peasant associations, agriculture cooperatives, rural women, forest dwellers, etc.). Around 70% of Senegal's population lives in rural areas. Even though agriculture is the main economic activity CNCR is committed to promote non farming activities in order to improve the family's income. The principal objectives of CNCR are:

- To promote the exchange and reflection on rural development issues among peasants movements in order to strengthen them.
- To ensure the proper representation of the peasant identity and the interests of family farming and small producers in rural development matters and policies and towards government and domestic and foreign development agencies.

- To promote the sustainable development of family farming.

CNCR is deeply convinced that any reform in rural areas should come from and be undertaken by the peasants themselves.

Senegal became independent in 1960. The Law on National Wealth was issued in 1964 and ruled that all land is state's ownership. Before this law land tenancy was ruled by customary law so that it came to an overlapping of customary and statutory land law.

The main form to get access was via the 'axe right': it was possible to clear forest for settlements. This right was conferred by local authorities. In 1972 a new form of land tenancy was introduced: it was possible to establish rural communities for a collective land management. It did not work.

In 1996 the World Bank demanded a land tenancy reform. For this purpose a French consultant presented a study. Local authorities were co-opted and supported the proposals presented. CNCR rejected to comment this paper. CNCR wanted to present its own proposal, so it started a process of formulating an alternative policy. This process began 1999 and has recently been finished.

The first step was to define an adequate methodology which should match the needs of a collective, bottom-up consultation process. A team, made up of 1/3 women, 1/3 adults, youngsters, and local authorities, was in charge of this task. After that the discussion and consultation process began at the grassroots level. Four main issues were identified: Environment, fishing, land and agriculture. These first results were collected and discussed at CNCR's coordination so that a feed back process was set off. The next step for the discussion at grassroots level was to compare customary and statutory law, different positions of different actors (employers, local authorities, government, etc.) and start discussing what should be included in the new law. 320 local groups reflected on these questions and more than 50 local workshops were carried out. Then regional workshops took place to discuss the social and economic costs of the proposals and to address regional special features and problems.

The main outcomes of this process concerning land policy are:

- Recognition of individual and collective land ownership rights.
- Land transfers should be allowed only within the local community.
- Rejection of land transfers from the peasant, family-based agriculture to the commercial agro-industry.
- Individual or collective land use rights for women. Land inheritance from mother to daughter.

Farmers' movements cooperation with government

Flávio de Souza Mello

Movimento de Trabalhadores Rurais Sem Terra (MST)

Brazil

This year, MST celebrates its 20th birthday. Struggling for land was the main goal of MST during its first years, but we soon realised that it is not enough to democratise land access. It is also important to reclaim the dignity of peasants. It is necessary to democratise capital by organising agro-industries which are controlled by cooperatives and peasants. It is necessary to democratise education and to fulfil the citizenship's rights of the rural population.

MST always knew that the agrarian reform process would only move forward as a result of massive grassroots mobilisation. Occupation of unproductive land is therefore the principal means to pressurise the government for implementing the Brazilian constitution which enshrines the social function of property. There are currently 200,000 families living in land camps and demanding land. That way, 350,000 families have already conquered land during the past 20 years. According to government's own figures there are about 6 million families who are landless or have insufficient land.

MST is built on the self-organisation of rural families. MST stimulates the association and cooperation among these families. Education and capacity building of agrarian reform activists is also a high priority. Education is very important to liberate the rural population from oppression and to avoid the reproduction of oppressive behaviour and structures. More than 160,000 children receive primary instruction in 1,800 public schools in MST land camps and settlements. MST runs a literacy campaign which is reaching approximately 30,000 youths and adults. 750 MST activists are receiving high degree education.

In MST settlements no child suffers hunger. Feeding ourselves and our families is our priority and should be the priority of all agricultural activity. More than 500 associations for production, commercialisation and extension services are affiliated to MST. Moreover, there are 96 small and middle-scale agro-industries processing fruits, vegetables, milk and dairy products, grains, coffee, meat and handicrafts. These activities generate employment and income and contribute to the Inland Revenue in more than 700 municipalities.

What kind of agrarian reform is MST fighting for?

We want to change the landownership structure in order to democratise the control of resources. Land property should be subordinated to social justice, to the needs of the population and to broader objectives of society.

We need an agriculture which is oriented at the eradication of hunger, at the economic and social development of the rural workers and at ensuring food sovereignty.

We need an agrarian reform that promotes gender equality.

We want to develop a new agro-ecological vision of agricultural production which protects and enhances the soil and farm environment and reduces the dependency of inputs and markets controlled by transnational companies.

We need agrarian and agricultural policies which support small-scale farming and peasants economies.

We need rural development policies which guarantee better education, health, culture and leisure for all.

part 2: Elements of a truly redistributive land policy mix

Implementing an integral land reform programme

Gladys Vivas

Instituto Nacional de Tierras (INTI)

Venezuela

According to the Constitution of the Bolivarian Republic of Venezuela the state should guarantee the development of a sustainable agriculture aimed at creating jobs, enhancing the

well-being of peasants and including the rural population into the national development. Furthermore, the state should promote agricultural activity and adequate use of land by providing infrastructure, inputs, credit and rural extension services.

The Chávez administration considers agriculture as one key area of government action. Agriculture should be reoriented to feeding the Venezuelan population and to guarantee food sovereignty and national development.

The Land and Agrarian Development Act rules the new policies of government. Diverse social sectors were included in the decision-making process of this act. The National Land Institute (INTI) was set up for the implementation of the Land Act. INTI's action is being developed in 3 main fields:

Land tenure regularisation: Peasants, women and men, who have possessed public land for more than one year are entitled to get landownership rights. This land can be bequeathed to heirs, but it is not alienable. There are many peasants in Venezuela whose land tenure is insecure and who do not have landownership rights due to failures of former land reform programmes.

Public land transfers: all persons, individually or collectively, who do not have land or sufficient land and are willing to till the land, are entitled to get land. Individuals or groups first are given a provisional land allocation title which after 3 years can be exchanged for a permanent one if the title holder properly worked the land. The allocated land can be bequeathed to heirs, but it is not alienable.

The land reform programme is not only addressed to the rural population. Venezuelan government also wants to encourage urban population living in slums and inhuman conditions to return to the countryside since many of them came to the cities looking for employment

Both land tenure regularisation and land transfer do not end with the mere land allocation. INTI is also obliged to create the necessary conditions (infrastructure, irrigation, public services, extension services, etc.) for a viable agricultural activity.

Since February 2003 INTI has distributed around 2 million hectares of public land to more than 130,000 peasants and small and middle-scale farmers.

The third field of action concerns land expropriation. The Constitution states that latifundium is against justice, social interest and peace on the countryside. The right to property is subject to fulfilling the social function of property defined by law. Agricultural land lying idle can be expropriated.

Landed groups and cattle growers have vehemently opposed the land reform programme. They accuse INTI of distributing alleged private land, which is public in reality, but had been illegally appropriated. Violence is growing on the countryside: last year 84 peasant leaders who had been organising farmers and demanding land, were killed by paid gunmen.

Venezuela has no tradition of strong and autonomous peasant movements. Grassroots organisations lack "ideological formation" and political experience. Nevertheless, the Chávez administration has opened up various ways for participation, mobilisation and organisation. We witness a blossom of social movements fighting for their rights.

The global approach to land reform

Jun Borras

Institute of Social Studies, The Netherlands

1. State- or Market-Led Land Reform? Background

To many rural poor in most developing countries (and economies in transition) land is central to their ability to secure livelihood; but ownership of and/or control over land resources are usually highly concentrated in the hands of a few landed elite (due to various historical reasons and circumstances).

Pre-existing land monopolies have led to agrarian structures (sets of social and production relations in a given agrarian society) that are highly exploitative and unjust to most rural poor classes.

These agrarian structures, where political power and wealth are concentrated in the hands of landed elites, in many circumstances are major stumbling blocks to any broad-based social development.

The concept of redistributive land reform has been more or less conceptualized around these key underlying issues – and such notion has always been state-led (e.g. beginning in 1910, Mexico).

Recently, Market-Led Agrarian Reform (MLAR) has been conceptualized: a) privatization of public lands, promotion of liberalized tenancy contracts; b) liberalized land rentals and sales; and c) in private lands, land sales based on ‘willing sellers-willing buyer’ principle.

2. Problems with Market-Led and State-Led Land Reforms

- High possibility of *elite-to-elite* transfer of wealth and power in the pro-market advocacy which will not resolve the land question in a way that favors the landless and near-landless poor.
- High possibility of *poor-to-elite* transfer of wealth and power in the pro-market advocacy which will not resolve the land question in a way that favors the landless and near-landless poor.
- *A priori* exclusion of redistributive reforms in public lands and share tenancy reforms in most scholarships on state-led agrarian reform and policy perspectives which, in turn, devalues and degrades the significance of reforms in these policy areas and the importance of poor people’s struggles for land, including ancestral domain claims, in these particular settings: e.g. struggle for land in many African countries, public lands under the control of foreign companies (e.g. Ecuador, Guatemala decades ago), Operation *Barga* in West Bengal (India), share tenancy/leasehold reform campaigns in post-Apartheid South Africa and contemporary Philippines.

3. Elements of a Truly Redistributive Land Policy Mix: Key Principles, Defining Features

It must be truly and categorically pro-poor

- There must be a net transfer of wealth and power *from the landed to the landless classes* (or from elite to poor); this is “relational” = it *changes the relative shares* between groups (decreases share of landlords; increases shares of landless). It also means the categorical rejection of policies that include or allows *elite-to-elite* or even

poor-to-elite transfers as what the neoliberal land policies promoted by the WB do or will do.

- By “transfer of wealth and power” it means the transfer of the “effective control” over land resources whether or not involving transfer of formal private property rights that include the right to alienate. Here “ownership” and/or “control over land resources” means the *effective control* over the nature, pace, extent and direction of surplus production and extraction, and the disposition of such farm surplus.
- Sustainability of such effective control over land resources: e.g. judicial reforms, autonomy-enhancing/capacity-building programs for peasant movements and their allies.

Significant degree of change in the agrarian structure

- Pro-poor transfer of the effective control over land resources may occur, but it may occur in very limited scale and scope; in such case, such reform is unlikely to make any significant reform society- or system-wide. It is therefore important that the scale of these real reforms be wide and deep – enough to make significant pro-change in the overall pre-existing agrarian structures

Redistributive reform is a matter of degree

- Redistributive land reform is inherently a matter of degree. It is seldom either 100 percent redistributive or 100 percent non-redistributive. Traditionally, two interrelated elements have defined the redistributive character of land reform policy: the compensation to landlords and the payment by peasants.
 - a. Compensation to the landlord can be between zero and somewhere below the “market price” of the land; the difference between the “market price” and the actual compensation partly defines the degree of redistribution.
 - b. Payment by peasants for the land can be between zero and somewhere below the acquisition cost; the difference between the peasants’ actual payment and the acquisition cost also partly defines the degree of redistribution.
 - c. But again, the value of land cannot be limited to a monetarist perspective as what is being done by the neoliberal land policy models. In fact, the monetarist perspective is important, but quite limited a tool in assessing the real value of land to people.
- Thus, the neoliberal land policy on market-led land reform, even within the narrow monetarist perspective, does not constitute and promote redistributive reform, and thus will not make pro-poor reforms within pre-existing agrarian structures. The most redistributive then are policies of “confiscation without compensation, and free distribution to peasants,” e.g. China. In short, some land reforms are more redistributive than others, e.g. both Chinese and Taiwanese land reforms have been redistributive, but the former has been more redistributive than the later. But both have been redistributive.

Complementary reforms for and institutional support to a diverse set of rural livelihoods by peasant households

- “Input/output”-related agricultural policies, incl. trade.

- Non- and off-farm sources of livelihoods.

4. Implications: Towards a More Inclusionist Approach and Forms of Redistributive Land Reform Policies; and Greater Challenges Ahead

Redistributive Reform in Private Lands

- Remains the most important arena of struggle; most important symbol of exploitation and opposition, domination and resistance.
- But must reject the neoliberal policy model of “willing seller-willing buyer”.
- Must include [pro-poor] land “restitution” whenever necessary.

Redistributive Reform in Public Lands

- Many public lands are in fact under the control of a private elite whether under formal or informal arrangements. Having these lands taken out of elite control and transferred to landless peasants constitutes real redistributive reforms. Must include “restitution” whenever necessary; also ancestral domain claims. Thus, important to review traditional attitude toward public land that tends to downplay its significance.
- This is especially because public lands (incl. state farms) are now targeted by neoliberal policymakers for massive privatization (e.g. Africa, Indonesia, the Philippines, “economies in transition”, e.g. FSU). When implemented, such privatization campaign can lead to:
 - a) *elite-to-elite* transfer,
 - b) *poor-to-elite* transfer, and
 - c) *elite-to-poor* transfer.
 Of the three possible outcomes, only one is socially desirable, and it is also the least likely to happen. Many indigenous peoples’ ancestral domain claims may also be subsumed in these market transactions (e.g. Andean region). Thus, crucial to put equal importance to this issue.

Redistributive Reform through Share Tenancy, Leasehold Reform

Based on the definition of redistributive reform explained here, net transfer of wealth and power can occur in share tenancy, leasehold reform – but only when it is taken within the context of *complementary policy* to land expropriation. When taken as complementary policy measure, it must be given equal importance as a powerful tool for poverty eradication and redistributive reform (e.g. need for greater campaign in South Africa and the Philippines?).

State-Society Interaction in Pushing for Pro-Poor Redistributive Reform

While it is most crucial to build strong and autonomous peasant movements and their allies from below (e.g. case of MST-Brazil), it is also equally important to underscore initiatives in:

- a) pushing for the emergence & consolidation of reformist ranks within the state (political parties, bureaucrats, etc.), and

- b) building “institutional bridges” that could connect the two streams of reform currents “from below” and “from above”
= “sandwich strategy”
-

After a discussion among the public and the parliamentarians present, about the issues discussed and the strategy how to move forward (express the concerns raised during the seminar to the Commission), some general conclusions were summarised on the role of the European Union in ensuring participative land policies which recognise human rights and ensure sustainable development.

Concluding Remarks

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- 1.) With respect to the consultation process, even if we recognise that the electronic consultation process and the presentation of the document in three languages have been important, this has not been a truly participative procedure. The interested stakeholders, such as the peasant movement or the indigenous world-wide movement, did not take part in this process.
- 2.) We would like that in any case the relevant remarks made during the electronic consultation process are incorporated to the referred document.
- 3.) Out of the remarks expressed during the seminar “Land: merchandise or human right?”, we would like to outline the following:
 - a) There is no human rights approach in the document. An EU land policy should consider this aspect as an essential element. The right to land is a human right that goes further than the tenancy right and that integrates a cultural, social, economical, political and environmental dimension, giving also a collective identity, as it is the case of indigenous or racial populations.
 - b) There is no adequate recognition of the unequal distribution of land in the world, its inadequate exploitation or the essentially market-based vision of those who take into practice the political and economical power; this is not only a factor of poverty, of hunger, of forced migration, of environmental damages, but also is the main cause of social and political violence in many regions.
 - c) There is no adequate emphasis on the promotion of land reform or land policies as a core part of the compromises by the EU and its governments to enhance sustainable human development, which is also a human right. Any policy in this sense must be linked with the compromises taken by the States in the Millennium Objectives of the United Nations.
 - d) Likewise, broad participative processes must be highlighted in the development of land policies and/or in the agrarian reform, not quoting the social society or local communities in an abstract way, especially the social sectors most affected by the exclusion: the peasants, the indigenous people, the displaced or migrants.

We must move from a consultation frame towards an institutionalised participation, democratic in its goals and procedures, dynamic in its procedures, transparent, decentralised, with warranted resources that originate from the cooperation or the conditioned condonation of the foreign debt to the social investment or from financial redistribute policies.

e) In the free trade agreements of the EU and third parties or further, in the association agreements –democratic clause, political and social dialogue, cooperation and trade- the topic of land policy or agrarian reform must be in a transversal way considered, including food security or sovereignty, fare-trade, social peace and the legality of public institutions through democratic governance.

f) We should be stronger and rise in principle of any policy about these subjects, that in order to go further toward social and political peace in the world, the economical or political elites must give part of their privileges to contribute with the reduction or elimination of the poverty or hunger, through the rational and distributive use of land.