



# Land Acquisitions and Their Impacts on Peace, Security and Stability

Conflict-relevant dimensions of large-scale land investments and land grabbing

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## Preface

Rural development has been neglected for too long, and agriculture needs fresh funding to combat global hunger effectively: this was one of the lessons learned from the world food and financial crisis in 2008. It has led to an upsurge in agricultural investment in recent years, with the result that in many countries of the Global South, large tracts of land are being transferred to investors, whose interests are primarily export- and profit-oriented. Local food security is rarely a priority for the governments and agencies granting these land concessions. With this large-scale sell-off of fertile land in parallel to a food crisis, especially in poor countries, conflicts are escalating.

Agricultural investments and appropriate innovations are urgently needed to safeguard an adequate food supply for the world's population. These investments create opportunities, but also risks. Not all investments have a positive effect on local communities' living conditions in the countries concerned. The challenges facing all stakeholders are therefore considerable. Food shortages and food insecurity are widespread and are often associated with conflict and violence, the eviction or displacement of local communities, migration, and climate change. Land and access to its natural resources are key causes of discord in almost every conflict and post-conflict country. Most of these conflicts are still unresolved, simmering on under the surface. And yet very few studies have investigated how the transfer of land to investors affects conflict settings, stability and local communities' human security in the medium to long term or identified the various stakeholders' resulting options for action. Bread for the World - Protestant Development Service has focused intensively on land grabbing, the form of land acquisition by investors that falls short of human rights and sustainable development requirements, and has conducted case studies in a range of countries to document and analyse land investment projects and their impacts on local communities. Early on this process, in 2010, partner organisations from Asia, Latin America and Africa gathered at an international workshop in Berlin and called for support for their campaigns against illegal land grabbing by investors and against increased violence and oppression. This report reveals the links between land acquisitions, human rights abuses, violence and long-term conflicts, with reference to various country case studies. It identifies areas where action is needed and draws conclusions of relevance to

further practical and political work on land, investment and food security. Its aim is to raise awareness of the need for conflict-sensitive action and for consideration of the long-term implications for peace and conflict. We are indebted to its author, Erwin Geuder-Jilg.

DR JULIA DUCHROW

Head of Human Rights and Peace Desk

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## Summary for Policy-Makers

This report explores the linkage between conflicts and large-scale land investments/land grabbing<sup>1</sup>, based on publications and studies commissioned by Bread for the World - Protestant Development Service in Sierra Leone, Liberia, Tanzania, Ethiopia, Cambodia, Indonesia, Argentina and various other countries.

In the cases studied, large-scale land acquisitions by major companies are driven by a demand for land to grow biofuel feedstocks (= energy crops), food and animal feed for export. In all cases, the fundamental principles and standards for responsible land investments, set forth in Chapter 4.12 of the FAO's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, are disregarded or are not fulfilled to an adequate extent. These cases can thus be classed as land grabbing, as defined in the Tirana Declaration. The case studies show that as well as being linked to human rights abuses, land acquisitions are associated with expulsions, resettlement, denial of access and large-scale land use change, all of which can aggravate conflicts. In addition, an increase in the direct use of force can often be observed, in the form of threats and attempted intimidation of rural communities, abductions, physical abuse and murder.

In conflict and post-conflict countries, land investments are a form of "catch-up" investment to support post-conflict recovery, but often exploit situations chiefly characterised by weak governance, a high level of militarisation, and entrenched land and resource conflicts. These investments benefit privileged groups or conflict parties rather than serving the public interest. The risk, then, is that this type of investment will perpetuate existing conflicts or create new ones, potentially jeopardising efforts to stabilise entire countries.

Other causes of land conflicts are global in scope and include the increase in the value of land and the competition for scarce land resources. In the cases studied, these conflict causes are amplified by the growing demand for animal feed in intensive livestock farming and for food and energy crop production (food vs. fuel), and by the desire to secure a return on capital investment. The lifestyle pursued in industrialised nations and emerging economies, together with the associated policies and

profit-related interests, can thus encourage forms of land investment that aggravate conflicts.

At the national level, conflicting laws and policies interact with the interests of privileged elites and with overlapping and insecure land rights. Many governments fail to protect their rural communities adequately from investors' illegal operations. In other cases, government agencies themselves are involved in land acquisitions, and there is a lack of adequate mechanisms to protect communities from the state. However, conflict-insensitive approaches by developers and a lack of stakeholder information and consultation during negotiations on land deals increase the potential for conflict and worsen its impacts.

### Conflict impacts:

Land grabbing and land acquisitions are often causing direct physical violence. In most cases, however, there are various factors underlying these conflicts, including structural violence resulting from inequitable access to power, resources and justice, which is exploited by elites. Even if land acquisitions are conducted in accordance with current legislation and rules, they generally reinforce this structural violence and inequality, thus entrenching divided societies with inequitable power relations and privileging the elites at the expense of weaker social groups. Land acquisitions create additional conflict potential, which manifests as crime, rural-urban drift, landlessness, expulsions and migration. It also leads to poor working conditions, joblessness and a general lack of prospects for rural communities.

Issues of culture and identity play a very significant role in the context of land loss, for it deprives indigenous communities of their livelihood base and forces them into rapid structural change. In many cases, land

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<sup>1</sup> — The term "land grabbing" is defined in Chapter 1.

acquisitions deny women access to vital resources and thus diminish their capacity to feed and care for their children. Men and women are subjected to direct physical violence. Women are intimidated by threats against the men in their community. Young people face unemployment and a lack of prospects.

### **Conclusions:**

a) Land acquisitions lead to the long-term entrenchment of power relations within society that can form the basis for new conflicts or the resurgence of old ones. In order to prevent any worsening and escalation of conflicts and avoid the violence associated with land investments,

- comprehensive information, dialogue, transparency, more inclusion and freedom of choice for stakeholder communities are essential, along with equal participation of marginalised groups and women's active involvement in decision-making;
- all legitimate tenure rights enjoyed by local communities must be secured, and sustainable improvements in their living conditions safeguarded;
- legitimate grievance and conflict mediation mechanisms that are accepted by the local community must be respected and maintained, and conflicts must be resolved in a just and non-violent way;
- benefit-sharing and sustainable and appropriate compensation measures aimed at improving stakeholder communities' living conditions on a long-term basis must be put in place;
- communities must be given sufficient time to make the necessary structural and lifestyle changes, and their cultural heritage must be respected and safeguarded.

By preventing violence, the aim is not merely to pacify local communities but to facilitate nonviolent conflict transformation, with the long-term goal of a fairer and more equitable society.

b) Peacebuilding means addressing the causes of conflict. In the context of land grabbing, this means also focusing on the global causes of conflict and the direct and structural violence associated with animal feed imports, energy crops and investment capital.

c) Before land investments take place, detailed context analyses and information about the causes and dynamics of conflicts and their implications for social development, food security and stability in rural regions are essential. Local partners, investors and governments should therefore look more closely at the conflict potential of land sector initiatives. Long-term studies should also analyse the development of conflicts and physical and structural violence resulting from land acquisitions.

## Chapter 1

# Introduction: Background to the study

In 2011, Bread for the World - Protestant Development Service's two predecessor organisations conducted a joint consultation on land conflicts among their partners. Entitled "Land is Life", it focused on international land acquisitions/land grabbing and their links to various dimensions of conflict. Land grabbing is taking place in various regions of the world, directly affecting partner organisations, for example in Sierra Leone. As part of its "Niemand is(s)t für sich allein/No one eats alone" -campaign, Bread for the World has published a number of case studies on land grabbing. Various definitions of land grabbing have been applied in the past. The definition provided in the Tirana Declaration, which was drafted by more than 150 representatives of civil society in 2011, is as follows:

"...we define [land grabbing] as acquisitions or concessions that are one or more of the following:

- in violation of human rights, particularly the equal rights of women;
- not based on free, prior and informed consent of the affected land-users;
- not based on a thorough assessment, or are in disregard of social, economic and environmental impacts, including the way they are gendered;
- not based on transparent contracts that specify clear and binding commitments about activities, employment and benefits sharing, and;
- not based on effective democratic planning, independent oversight and meaningful participation."

(International Land Coalition, 2011)

food and animal feed, primarily for export. The studies clearly reveal the link between land acquisitions and human rights abuses. Many conflicts have escalated, with food security at risk due to the focus on exports.

The present study explores the links between land grabbing, land tenure and land use systems and conflicts, along with aspects of development-oriented peace work, with reference to specific case studies. Land acquisitions play a major role in conflicts, so sensitive management of land issues is important for peace and justice.

Most of the studies on land acquisition issues conducted by Bread for the World and the Protestant Development Service since 2009 have been published as brochures in the Facts and Analysis series. They have investigated the expansion and impacts of the cultivation of oil palm in Indonesia, Colombia and Liberia, soy in Argentina, sugar cane in Cambodia and Sierra Leone, and jatropha in Tanzania. Other studies have focused on land acquisitions in connection with animal feed (Fritz, 2011) and energy crops (Bandowski, 2013a). Some of the cases examined in these studies have been ongoing since 2005. Their common characteristic is that they involve large-scale corporate land acquisitions to grow energy crops,



## Chapter 2

# Land acquisitions aggravate conflicts and lead to violence

In many of the cases studied, land acquisitions have intensified conflicts and led to physical violence:

- In **Cambodia**, the Thai sugar corporation Khon Kaen Sugar Industry, backed by the military, has destroyed fields and forcibly expelled rural communities. Villagers have been beaten by the company's security personnel; some have been shot and injured (Hornung, 2011).
- In **Colombia**, palm oil companies and paramilitaries have intimidated and expelled communities and seized their land (Álvarez Roa, 2011).
- In **Argentina**, local companies, multinationals and private individuals have deforested much of the ancestral land of the indigenous Wichí in order to grow soy. In many cases, this has occurred illegally. Wire fences have been erected, cutting off families' access to their land, drinking water has been contaminated with pesticides, and companies and new land users have threatened to block off paths with fences, in order to put pressure on the indigenous communities and coerce them into giving up the tenure of their land (Bandowski, 2013a).
- In **Indonesia**, local companies destroyed communities' farmland in order to expand the already large-scale oil palm cultivation. Anyone unwilling to accept the situation was harassed and imprisoned by the police. Villagers were subjected to violence at the hands of the plantation company's security personnel and the forest police. These are not isolated incidents. In North Sumatra alone, 97 land conflict cases were identified in 2007, mainly related to oil palm plantations, and in 2010, the media reported 26 cases of expulsion involving killings, torture and imprisonment. Many families attempted to reclaim their land by occupying it and growing crops, only to be subjected to renewed violence by companies and government agencies (Siagian/Siahaan/Buyung/Khairani, 2011).
- In **Tanzania**, conflicts have erupted over corporate access to bush and grazing land and the amount of compensation to be paid (Hütz-Adams, 2013).



Gran Chaco, Argentina: Indigenous communities are being deprived of their livelihoods. The forest is being cleared and replaced with monocultures, stretching as far as the eye can see.

- In **Sierra Leone**, affected communities have reported being subjected to intimidation and threats by government and investor representatives. After the corporate land acquisition, local people's living conditions deteriorated. Pledges of jobs, for example, were not honoured and water availability became a problem. The affected communities were frustrated and disappointed, and lived in fear of arrest and abuse at the hands of the police if they put up any resistance. Arrests and abuse are known to have occurred following community resistance to various large-scale projects (Bandowski, 2013b).
- In **Liberia**, local communities lost land to a Malaysian firm, Sime Darby, under a concession agreement concluded by the Liberian government. Minimal compensation was paid to local people, who also lost access to forest areas. This led to tensions and protests, and finally, the agreement was renegotiated. Also in Liberia, the Indonesian company Golden Veroleum violently expelled smallholder farmers, issued threats, and destroyed fields, crops and burial sites (Buntzel/Topor, 2013).

The cases studied often reveal a spiral of conflict escalation in land acquisitions, with the following pattern being observed:

- First, rural communities are attracted by the promise of incentives (jobs, cash payments, etc.) to encourage them to give up their land.
- Then threats are made against anyone who refuses to transfer their land. Often, it is claimed that the companies have already signed contracts with the government and that local communities have no right to stay on their land.
- The next step is the physical occupation of the land. Crops, forests, watercourses and burial sites are destroyed and access routes blocked off.
- Local people are forcibly expelled and their homes demolished in order to prevent their return.
- The land acquisition leads to adverse environmental and health impacts (including contamination of drinking water, falling groundwater levels, and direct exposure of plantation workers to pesticides during spraying).
- Companies, the police and other government agencies often respond to protests, land occupations and demands for land to be returned to the community with the threat of, or actual, violence, torture, murder

and imprisonment. Companies not deploying their own security personnel for this kind of work may well engage paramilitaries for this purpose.

This conflict spiral is given as an example. In reality, the escalation can take many different forms and does not always involve physical violence. Of course, there are cases in which investors negotiate directly with government agencies or traditional authorities and local communities are presented with a *fait accompli*, so the first of the steps described above is omitted. In other situations, local communities hand over their land with no resistance, so there is no further escalation at the local level. Only in Liberia was the land conflict, described above, defused through negotiations among the parties. In most other cases, the interests of the companies and/or the local elites have prevailed over those of rural communities.

## Chapter 3

# Land acquisitions in conflict and post-conflict countries

According to the **World Development Report 2011: Conflict, Security, and Development**, every civil war that began since 2003 was a resumption of a previous civil war. Post-conflict countries, in other words, are especially susceptible to a relapse into violence. The Report identifies four key factors which, according to statistical analyses, increase the probability of violent conflict:

- social and economic inequalities;
- denial of opportunities for political participation;
- human rights abuses;
- national resource wealth.

(World Bank, 2011)

Of the aforementioned countries which are the subject of studies commissioned by Bread for the World - Protestant Development Service, Liberia, Sierra Leone, Colombia and Cambodia are conflict or post-conflict countries. The land acquisitions in these countries, described above, have worsened economic and social inequalities and turned farmers - men and women alike - into landless persons and rural communities into expellees. In almost every case, the people affected were denied opportunities to participate in political decisions about land tenure and land use change. In many cases, the land acquisitions resulted in major human rights abuses and can thus be classed as "land grabbing" (see Chapter 1). And finally, land wealth is one of the factors which has made land and agriculture so attractive to major investors both at home and abroad. The four risk factors identified in the World Development Report 2011 are therefore intimately linked with land acquisitions. These land acquisitions have worsened inequality and led to an increase in human rights abuses, which in turn has heightened the risk of violent conflict in the countries concerned.

By contrast, the successful stabilisation of post-conflict societies must be based on human security - i.e. freedom from threats to personal, food and livelihood security, the absence of physical violence, and freedom from the fear of violence, hunger, expulsion, etc. - and on justice, decreased corruption, and functioning government or other legitimate institutions. The fulfilment of the public's basic needs and a long-term prospect of better living conditions are other important elements in the development of post-conflict societies.

### Land deals in post-conflict countries

The International Land Coalition (ILC) was a direct outcome of the 1995 Conference on Hunger and Poverty and, since then, has grown into a coalition of 152 government and multilateral institutions, civil society organisations and international research institutes. The ILC collects and continuously updates information about international land deals. To that end, it launched the Land Matrix project as its Global Observatory (International Land Coalition, 2014). According to the Land Matrix database, the four countries with the most international land deals are Indonesia and three post-conflict countries.

Number of land deals recorded in the Land Matrix database:

1. Indonesia	115
2. Cambodia	102
3. Mozambique	69
4. Ethiopia	54

Among the 20 most important target countries for land investors are the conflict and post-conflict countries Colombia (19 cases), Sudan (18), Sierra Leone (17) and Liberia (14) ([www.landmatrix.org](http://www.landmatrix.org)).

The countries with the highest number of land deals also score poorly in Transparency International's Corruption Perceptions Index: Indonesia ranks 114<sup>th</sup>, Cambodia 160<sup>th</sup>, Mozambique 119<sup>th</sup> and Ethiopia 111<sup>th</sup> out of a total of 177 countries ([www.transparency.org](http://www.transparency.org)). Public and private investors tend to step up their engagement in post-conflict countries once peace accords have created more stable investment conditions.

Conversely, poor rule-of-law performance and a high level of corruption also tend to encourage land acquisitions. The data collected by Land Matrix on the frequency of land deals show that in addition to post-conflict countries, other countries such as Indonesia, Brazil and Argentina are significant targets for land investors. Factors such as weak rule of law, lack of opportunities for participation, human rights abuses, generally poor governance and resource wealth play a major role here. In many post-conflict countries, corruption and the absence of the rule of law are direct outcomes of the conflict and take many decades to overcome: the most successful post-conflict countries

took 17 years, on average, to strip the military out of politics, 20 years to achieve bureaucratic quality, 27 years to control corruption, and 41 years to establish the rule of law (World Bank, 2011, p. 11).

The two exceptions are Mozambique, which adopted an exemplary land reform after the end of the civil war, and Liberia, where relatively strict rules on land deals are in place. These two countries have established legal frameworks for improving stakeholder communities' participation in land deals, but in both cases, the legislation is only implemented to a limited extent, with weaknesses existing in relation to the rule of law and democratic institutions.

Public and private investors also tend to step up their engagement in post-conflict countries if the governments of these countries announce measures to lift their people out of poverty and offer the prospect of better living conditions through growth and prosperity (Bandowski, 2013b). Since the war ended in Liberia, for example, the government has promoted tree plantations as the backbone of the export-oriented rural economy (Buntzel/Topor, 2013). In Sierra Leone, President Ernest Bai Koroma's government is working hard to secure international investors' megaprojects for the country (Bandowski, 2013b). In both Liberia and Sierra Leone, foreign investors were already acquiring land for plantations before the civil wars. Once these wars ended, the practice continued, rebranded as "rural economic development". However, both governments have introduced relatively stringent rules and contractual conditions in order to ensure that the process has positive impacts on food security and complies with environmental and social standards. Liberia is widely regarded as the country with the most rigorous criteria to be fulfilled by land concession holders (Buntzel/Topor, 2013). In Sierra Leone, a major project by Addax Bioenergy (a subsidiary of the Swiss Addax and Oryx Group (AOG)) was to be a model of responsible and sustainable investment in Africa. This large-scale project is intended to support Sierra Leone's national poverty reduction strategy and national agriculture development plan (Bandowski, 2013b). Nevertheless, conflicts have escalated in both countries when land deals have been implemented.

In Colombia, the military conflict is deliberately exploited to support land acquisitions: "The rural popula-



Ethiopia: Vast sugar cane plantations are planned for this area, depriving local communities of 90,000 hectares of grazing land for their livestock.

tion - and thus their fertile land - are particularly subject to terror and control, the purpose being to implement megaprojects for the agricultural industry (livestock production, cultivation of palm trees for oil, cocoa and bananas) and mining" (Diakonisches Werk der EKD, 2009, p. 38). The high level of immunity from criminal prosecution in the conflict in Colombia (with almost 97 per cent of violent crimes going unpunished) creates a favourable environment for threats against and expulsion of the rural population through violence. The ongoing conflict thus entrenches economic and social inequalities and encourages human rights abuses and denial of opportunities for political participation.

### ProSAVANA in Mozambique

**Mozambique**, in south-east Africa, emerged from civil war more than 20 years ago and is one of the most important target countries for land acquisitions. Under Mozambican law, all the land belongs to the state; smallholder farmers and rural communities can register their land usage rights, but this does not offer guaranteed protection against land acquisitions. Some farmers report that foreign companies have seized and are cultivating part of the land for which farmers themselves hold registered usage rights. Complaints lodged with public authorities have done nothing to change the situation. Smallholder farmers in the Nacala Corridor in northern Mozambique are particularly worried about the future of their land if the ProSAVANA project on an area of more than 10 million hectares goes ahead as planned. Backed by the Mozambican government, Brazil and Japan, ProSAVANA is the largest planned programme of land acquisitions in the world. It aims to replicate the Japan-Brazil Agricultural Development Cooperation Program (Prodecer) in Mozambique. According to FASE, a Brazilian non-governmental organisation (NGO), Prodecer – which aimed to develop Brazil’s Cerrado, a tropical savanna – has led to massive land conflicts, made numerous people landless, and resulted in deforestation and high levels of herbicide and pesticide use (The Guardian, 2014).

In 2012 and 2013, Mozambique’s government launched preliminary consultations with stakeholders to prepare the ProSAVANA Master Plan. However, only 17 out of 303 participants were farmers; more than half were public organisations. During the preliminary consultations, various demands, problems and concerns about land issues were voiced by participants, highlighting:

- the lack of protection for farmers’ land tenure;
- the need to resolve land conflicts and prevent such conflicts in future;

- the need to raise awareness of land legislation and its application, while respecting customary land rights;
- the lack of legal clarity and the different positions on the transfer of land rights to investment projects without any consultation of farmers;
- the right to use “abandoned” land,
- the issue of respect and protection for sacred sites.

The aggravation of conflicts of interest and the restriction of local communities’ access to natural resources should be considered in more detail within the project framework (ProSAVANA, 2013). The project is hailed by the government as an important step in the modernisation process, away from “cultivation with slashing and burning” towards sustainable agriculture; however, a coalition of 23 Mozambican social organisations, in an open letter in May 2013, called for an immediate suspension of the project. A broad coalition of Japanese, Brazilian and Mozambican civil society organisations is being coordinated by the Mozambican farmers’ organisation UNAC (Organizações e Movimentos Moçambicanas, 2013).

So far, however, this has made little impression on the government of Mozambique: it is still pressing ahead with the project. There appears to be no more than a formal commitment to the principles of participation and dialogue. This creates significant potential for conflict, as around 4.5 million people would be affected by the project. In recent months, a further line of conflict has emerged since the RENAMO movement, which fought in the civil war but is now a political party, pulled out of the peace accord and armed clashes broke out between RENAMO and the government in central Mozambique several times in 2013. At this stage, it is impossible to determine how these two conflicts will interact. Mozambique, a post-conflict country whose transition to a stable peace has hitherto been regarded as exemplary, now faces new conflicts that are enmeshed with the issue of land and control of natural resources.

### Conflicts, old and new

Often, land acquisitions in post-conflict countries result from:

- the perpetuation of land tenure systems and land conflicts that predate the civil war;

- displacement and population movements during the armed conflict; or
- resource redistribution by the “victors” in the armed conflict.

In **Liberia**, the government initially granted concessions for oil palm plantations in areas where foreign companies

were already growing oil palm before the civil war. These oil palm companies were major employers before the civil war, but there was also a substantial amount of small-scale palm oil cultivation alongside the large plantations. The new dimension of today's land concessions is that very much larger tracts of land are being allocated than before the civil war. At present, 40-60 per cent of Liberia's territory has been allocated to foreign investors, dramatically reducing the amount of land available for smallholder farming. Furthermore, the government has assigned itself the role of sole landowner, claiming the right to conclude contracts with foreign investors as it sees fit (Buntzel/Topor, 2013).

Among the causes of land conflicts in **Sierra Leone** are the lack of transparency in land deals, the elites' interest in self-enrichment, and the 1927 Provinces Land Act, which regulates land acquisition and establishes conditions for the allocation of land to non-nationals. The law states that it is not the landowners themselves who are party to land leases; instead, this role is delegated to the traditional leaders, convening in Chiefdom Councils, who must consent to any land leases and are supposed to negotiate favourable terms on the land holders' behalf. The majority of stakeholders interviewed, however, were unaware of these leases and the favourable terms supposedly negotiated for them. Local chiefs were already enriching themselves during the civil war and, since then, have utilised the new land deals for the same purpose. According to the law, the affected communities are entitled to receive a proportion of the rent (50 per cent), as well as compensation for felled trees, but the sums negotiated are inadequate. Local people were also intimidated by the presence of the political authorities at public meetings, which made it impossible for these stakeholders to express their opinions freely (Bandowski, 2013b).

In many regions of **Angola**, farming and land management were impossible until the civil war ended in 2002. In many cases, local communities farmed land that they had customarily used in the past but had lost to the Portuguese in the 1950s, when Angola was still a colony. Under a new Land Act adopted in 2004, Portuguese citizens who were outside the country lost their land rights when Angola gained its independence. However, the land use plan from the colonial era, which separated land into commercial farmland and communal land, remained in force. National authorities transferred formerly Portuguese-run farms to members of the political and military elite. Local communities which, after the war,



Malanje, Angola: Preparing to sow several thousand hectares of sugar plantation.

had farmed land formerly owned by the colonial rulers lost it yet again, this time to the national elites. The roots of the conflict therefore lie in the country's colonial history, land acquisition by elites, and the willingness to exploit the lack of legal clarity on land tenure since independence, which has led to various conflicting claims to the same land (author's own research).

In northern **Uganda**, 20 years of civil war resulted in an exodus of rural communities. When they attempted to return to their original land, they found that it was now occupied by other people (Kojda, 2011).

## Chapter 4

# Global and national conflicts: the background

Visible land conflicts are merely the tip of the iceberg. Many of the causes of land conflicts are initially invisible, as they lie beneath the surface. As already shown in relation to post-conflict countries, various factors contribute to the escalation of conflicts and the outbreak of physical violence. The global dimension is common to all, but the individual elements vary from country to country. The following underlying factors are explored in more detail below:

- The global economy and competition for scarce land resources
- Conflicting laws and policies
- Overlapping and insecure land rights
- Inadequate protection by the state, but also from an (arbitrary) state
- Illegal operations and limits to legality
- Nepotism and corruption – symptoms of poor governance and the absence of the rule of law
- A conflict-insensitive approach by investors and developers
- Local communities' lack of knowledge about their own rights
- Lack of participation, consultation and representation of interests.

### The global economy and competition for scarce land resources

Land conflicts are, in essence, conflicts of interest over a scarce resource. All over the world, consumers, cars and aeroplanes from the industrialised and emerging countries are locked in competition for these resources with developing countries' rural populations. Numerous studies have analysed the role played by animal feed and biofuel imports into Europe and their impacts on the global availability of land.

Intensive poultry and pig farming, for example, is a key factor. There has been a dramatic increase in both these types of animal husbandry in the EU and worldwide in recent decades. In 2011, animal feed accounted for two thirds of all agricultural imports into the EU. Soy – in the form of beans or soybean meal as a source of protein – is the most important animal feed, accounting for 52 per cent of all feed imports. The main countries of

origin are Argentina and Brazil. The consequences for the Wichí, an indigenous community in northern Argentina, have already been described in Chapter 2. In the past three decades, meat consumption has risen dramatically, most of all in Asia. As a result, there has been a sharp increase in animal feed imports here, accompanied by rising demand for land outside Asia for animal feed production.

It is estimated that more than 17 million hectares of overseas land are required to grow soy for net import into the EU. In total, more than 34 million hectares of land are needed to produce the EU's net agricultural imports. These "virtual land imports" are a key factor driving the global scarcity of arable land (Bertow, 2011), competing with subsistence farming and customary land use. The more land is used for animal feed production, the less land there is available for the world's poor to meet their food needs from farming, hunting, gathering and fishing, for burial sites and traditional cultural practices, for collecting firewood, and for other activities. ProSAVANA in Mozambique, described above, is the world's largest programme to convert traditional farming into agro-industrial production with a focus on animal feed exports, particularly for the Asian market. As shown above, the conflict risk in Mozambique has increased dramatically as a result, and so too has the threat to stability and peaceful development.

In the African case studies, the cultivation of energy crops or "flexible use" crops<sup>2</sup> is the main driver of land acquisitions. Based on the current yields in crop farming and with existing technologies, around 850 million hectares of land worldwide would be needed to grow energy crops simply to meet the energy needs of the transport sector. This is more than half the 1.5 billion hectares of land available globally for arable farming and animal husbandry (Benhöfer et al., 2012). A significant biofuel contribution to global energy consumption would greatly exacerbate the conflict over land, a scarce resource. The European Parliament has therefore voted to impose a cap on the EU transport sector's use of first-generation biofuels, limiting it to "just" 6 per cent (Benhöfer et al., 2012). However, the examples of palm oil production in **Indonesia** and **Liberia** (Lottje, 2013; Buntzel/Topor, 2013), sugar cane cultivation in **Sierra Leone** (Bandowski, 2013b) and jatropha in **Tanzania** (Hütz-Adams, 2013),

<sup>2</sup> – These are crops which can be used for various purposes, e.g. sugar cane for ethanol production (biofuel) or for sugar, rum or animal feed.

described above, show the type of conflicts and threats to the poor that can result from this policy. In **Indonesia** and **Malaysia**, the planned expansion of palm oil production threatens to displace 60 million people (Benhöfer et al., 2012).

In addition, since the start of the financial crisis and with food prices rising, investors and fund managers are looking for new investment opportunities which yield a high return on capital. The expected income from land speculation, from shareholdings in agricultural companies, and from animal feed, food and energy crops are sufficiently attractive for many investors to channel substantial sums of money directly or indirectly into land. A further factor is the fear among land-scarce Arab and South-East Asian countries that they will no longer be able to feed their people.

As these three factors – animal feed, biofuels and investment – show, local land conflicts are a manifestation of the global competition for land, an increasingly scarce resource. Due to their economic power, however, investors are in a much stronger position than marginalised communities whose land is under threat. In these circumstances, structural change is accelerated, moving at far too fast a pace for many rural communities. As their customary uses – subsistence farming, nomadic pastoralism, gathering, etc. – are unrecognised and unprotected, these groups are becoming increasingly impoverished, are being displaced and are becoming socially and politically marginalised, even if they have used their lands for traditional purposes for many centuries in ways that have proved to be well-adapted to the environment and local people's social and cultural requirements.

The interests of existing land users are not protected to an adequate extent by the governments of “target states”. In many countries, these interests are not properly established in law, are not among governments' priorities, and are not effectively defended, as they lack a powerful and prosperous lobby. These stakeholders include some of the most vulnerable social groups – smallholder farmers and their families, indigenous communities, women, and nomadic pastoralists.

Power inequalities between these groups and the multinationals reinforce the structural causes of conflicts. They also highlight the difficulties of combating human rights violations associated with land grabbing. Stakeholder communities face a coalition of powerful opponents, are unsettled by the experience of dealing with investors, politicians and chiefs, and are often trapped in

a hopeless and frustrating situation with no way out. This in turn can fuel further conflicts.

### Conflicting laws and policies

In numerous countries, there is a conflict between investment policy, which supports land acquisition by major companies, and human rights and other policies to protect smallholder farmers and indigenous communities, often in compliance with international conventions and national legislation. Growth, employment and progress are the usual arguments presented by governments seeking to justify major agricultural projects that deprive local communities of access to land and resources. Very few governments are willing to discuss these contradictions in an open and transparent manner. As the law in many countries defines the state as the sole landowner, the need for such an approach is rarely acknowledged.

In **Liberia**, the conflict between land reform policy, identified by the government as a priority, and the goals of secure land tenure and equitable access to resources, on the one hand, and the current practice of granting large-scale land concessions to investors in the interests of economic development, on the other, is a particularly inflammatory topic. Many Liberians say that the next war will be fought over land and that Liberia's land concession policies are a primary cause of the socially exclusive development that will lead to civil war (Buntzel/Topor 2013, p. 25). Regulations on land concessions in Liberia were incorporated into the Public Procurement and Concessions Act in 2010. The Act provides for the establishment of a Public Procurement and Concessions Commission, to be nominated by the President, with the task of safeguarding good governance in land acquisitions and dealing with complaints arising in the course of the negotiations. The Act also contains provisions on transparency, effective negotiations, the rule of law, a Stakeholder Forum and public procurement for land concessions – but makes no mention of the principle of the free, prior and informed consent (FPIC) of local communities. In the cases studied on behalf of Bread for the World – Protestant Development Service, however, the procedures established by the Act were not adhered to. After tensions increased between affected communities and the palm oil developer Sime Darby, fresh negotiations successfully de-escalated the conflict (see Chapter 4). The concession granted to the Indonesian palm oil



developer Golden Veroleum in another region led to human rights abuses and negative impacts on local communities, with complaints mechanisms proving ineffective (Buntzel/Topor, 2013).

### **Overlapping and insecure land rights**

The granting of multiple titles to the same piece of land, resulting from the division of responsibility for land titles across different tiers of the public administration, and, in parallel, the granting of concessions to investors are frequent causes of conflict. Whereas titles or concessions for larger tracts of land are often granted to investors at the national or regional level, the granting of land rights to local communities is generally a matter for the local-level (traditional village authorities, district administration, etc.). The flow of information between these levels is often poor. In most cases, there is no written record of local land users' rights, and recognition of these rights takes a variety of forms.

In many countries, land tenure is not adequately protected in law without a written deed. However, in sub-Saharan Africa, less than 10 per cent of land is the subject of statutory rights; instead, the vast majority of the population has customary rights to access and use the land and its natural resources. These rights apply to individually farmed arable land, communal grazing land, forests for gathering firewood, fruits and medicinal plants etc., and water resources. The practice for recognising these rights varies from country to country. Some countries, such as **Ethiopia**, only recognise individual land tenure, and have introduced complex registration procedures. Other countries, such as **Tanzania**, recognise both individual and collective tenure, provided that boundaries have been defined by the village council and the land has been correctly assigned. According to the law in both these countries, and indeed in many other African countries, all land belongs to the state, but in Ethiopia, communal grazing land is regarded as "vacant and unused" land which the state can allocate to investors without consulting stakeholders. The lack of protection of land by the state is lawful in this particular instance, largely due to the lack of applicable legislation (Kojda, 2011).

### **Inadequate protection by the state, but also from an (arbitrary) state**

International law and human rights are frequently violated. The protection of the rights of rural communities, enshrined in laws and treaties, is often not taken seriously by public entities. This applies especially to the rights of marginalised groups, such as women and indigenous communities. In **Argentina**, this is evident from the situation of the Wichí: although the 1994 constitution recognises indigenous peoples' rights to their ancestral lands, and ILO Convention No. 169 concerning Indigenous and Tribal Peoples has been in force since 2001, Argentina is failing to honour its legal obligations to protect indigenous people (Bandowski, 2013a). **Indonesia** has enshrined the protection of human rights in its constitution and has signed the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women, and yet rural communities are being expelled from their lands and killed. Defenders of land rights are, in many cases, not protected; instead, they are treated as criminals by government agencies (Siagian/Siahaan/Buyung/Khairani, 2011).

In most countries, the state can expropriate land if this is deemed to be in the public interest or fulfils a public purpose. However, the concept of "public interest" or "public purpose" is not always clearly defined; in **Ethiopia**, for example, investors' rural development projects are regarded as serving the public interest, as the following excerpt of the law shows: "A woreda [district] or an urban administration shall ...have the power to expropriate rural or urban landholdings for public purpose where it believes that it should be used for a better development project to be carried out by public entities, private investors, cooperative societies or other organs..." (Federal Republic of Ethiopia, 2005).

Entities with relevant responsibilities, such as human rights commissions, are not granted the powers and capacities they need to afford effective protection to local communities.

### **Illegal operations and limits to legality**

Some land acquisitions are fundamentally illegal: investors threaten local communities and expel them without any legal basis. Often, national laws on the granting of

concessions and land titles stipulate that consultations must take place and that consent be obtained from stakeholder communities and/or local authorities. In practice, this consent is often circumvented, obtained through coercion, or purchased. In most cases, withholding consent and thus preventing major projects from going ahead is simply not an option. In **northern Argentina**, the Supreme Court, in 2008, ordered the suspension of plans to clear extensive tracts of forests in the ancestral lands of the Wichí community, which would have destroyed their livelihoods. “However, many speculators, timber companies and agricultural firms ignore the ban, and the government turns a blind eye” (Bandowski, 2013a). In **Mozambique**, too, the state took no action when international investors ignored registered land usage rights of local farmers, who then filed complaints (The Guardian, 2014). In the cases described, the state is failing in its duty to protect its people; in many countries (including **Indonesia, Mozambique, Liberia and Argentina**), laws intended to protect the public are not enforced.

However, most of the land acquisitions are “legal” and take place in compliance with national land laws. The definition of land grabbing as “illegal land acquisition” therefore does not adequately address the problem. There are vested interests at stake which militate against the effective application of national laws, and there are also limits to legality: the legal frameworks are often inadequate, making it impossible to safeguard the principle of free, prior and informed consent of the affected land users and their participation in negotiations. The relevant legislation often differentiates between holders of written land titles and customary rights holders; the latter, although in the majority, are not adequately protected. Laws which define the state as the sole landowner and rules which deem the consent of traditional authorities to constitute adequate participation are examples of legal provisions that are in urgent need of improvement.

#### **Neptism and corruption - symptoms of poor governance and the absence of the rule of law**

Land acquisition is generally based on interaction between investors and national or local elites (politicians, heads of public administrations, traditional authorities, etc.), the police and the judiciary. In many countries, these elites are themselves owners of, or shareholders in, companies which invest in land acquisitions. As a result,

the police take action against their own people in order to protect the investors’ interests, arresting people who mount resistance to land acquisitions. The courts deal harshly with farmers who defend their land, denying them recognition of their land rights and treating them as squatters. Only the rights of investors are recognised and used as a basis for court rulings. In **North Sumatra**, local and national politicians are shareholders in palm oil companies which are expelling local families and deploying government agencies, such as the police and forestry authorities, to carry out these expulsions (Siagian/Siahaan/Buyung/Khairani, 2011).

In a survey of 14 civil society organisations in eastern and southern Africa, eight organisations reported land acquisition by elites (“politicians, MPs, a few wealthy people, people with political connections, the affluent, other influential people, powerful political families, local government officials, heads of government authorities”). These cases come from **Kenya, Mozambique, Swaziland and Tanzania** (Kojda, 2011) but are familiar from other countries as well.

#### **A conflict-insensitive approach by investors and developers**

The public entities, local authorities and investors involved in land acquisitions rarely have any training in nonviolent conflict management and transformation. As a consequence, the positions adopted often conflict with the interests of stakeholder communities and in many cases are enforced with violence by government and private security services. In some instances, a nonviolent solution is sought via the judicial system, but legal proceedings are expensive and protracted, and the courts are not always impartial. A conflict-sensitive approach by developers is needed in order to prevent the escalation of conflicts; in some cases, it may be necessary to establish appropriate structures in order to safeguard this approach.

### **De-escalation in Liberia**

In the conflict over the land acquisitions by Sime Darby for palm oil plantations in the **west of Liberia**, protests and tensions increased due to the low compensation paid, the destruction of burial sites and violent resettlement of local communities. In August 2011, local representatives wrote a protest letter to the Roundtable on Sustainable Palm Oil (RSPO). In its response, RSPO stated that Sime Darby was willing to commence a dialogue, based on an independent assessment. The results revealed that the company had failed to comply with the proper procedures for land acquisition. In October 2011, RSPO wrote to the stakeholder communities' traditional authorities, stating that Sime Darby accepted that it had made mistakes and was offering a new dialogue and consultation process. The negotiations, which covered five topics - employment, agriculture, fishing, schools and compensation - were resumed and the company tasked three members of staff with maintaining good relations with stakeholders in future. Furthermore, the organisation which conducted the independent assessment was awarded a one-year contract to monitor the process and provide advice to Sime Darby. As a result, communication was re-established between the company and stakeholder communities, and local people no longer anticipate similar problems arising in the company's future operations (Buntzel/Topor, 2013).

### **Local communities' lack of knowledge about their own rights**

Rural communities are rarely familiar with current legislation pertaining to land and investments and their rights under these laws and international agreements. As a result, they are easily intimidated by government or investor representatives. Even traditional authorities are often not adequately informed about their legal rights.

### **Lack of participation, consultation and representation of interests**

In most of the countries studied, stakeholder communities are not involved in negotiations and decision-making

on land deals affecting them, generally only finding out once the deal is done. In most cases, the government itself grants land concessions to foreign investors, but not to local land users. Often, local land holders don't realise until it's too late that by law, their land belongs to the state and that it has been allocated to investors and there's nothing they can do about it (Buntzel/Topor, 2013). Sadly, this practice is well-established as a consequence of land legislation in countries such as **Ethiopia** (Kojda, 2011). Other countries, such as **Liberia** and **Mozambique**, and international finance providers have established a requirement for consultations in their legislation and regulations, but often fail to comply with the rules or make it more difficult for stakeholder communities to participate, e.g. by holding consultations at inconvenient times or at a remote location or by failing to ensure transparency; shortcomings in their communications and participation processes have a similar effect (Buntzel/Topor, 2013; ProSAVANA, 2013). In **Sierra Leone**, stakeholder communities were unable to read the maps presented to them. They were intimidated by the presence of MPs at public meetings and were unable to exercise their right to speak (Bandowski, 2013b). Contracts are often drawn up in a foreign language or are too complex to understand. Local people may find that their right to speak at consultations is restricted, or that invited representatives have a positive attitude towards the project, perhaps because they themselves expect to benefit. Furthermore, rural communities are rarely sufficiently well-organised to assert their interests against investors and politicians at the various levels, to participate in negotiations, or to network with international stakeholders and thus strengthen their position.

## Chapter 5

# Dimensions and impacts of conflict

### Structural and physical violence

Inequitable distribution of resources, lack of political participation, the existence of laws and rules that disregard rural communities' interests, illegal operations by elites, and government and institutional support for land acquisitions (e.g. from ministries, the courts, and local authorities) are elements of **structural violence**. In many cases, long before the outbreak of overt violence, there are tensions and conflicts simmering beneath the surface, reflecting structural inequalities. The granting of land to investors can aggravate these conflicts. Land acquisitions do not always lead to physical violence, but investors, elites and governments often use elements of structural violence in order to assert their interests against local communities. Their position is dependent on these power inequalities, which enable them to defend their vested interests. Any change in the situation in favour of marginalised social groups jeopardises their position and influence. They therefore have a keen interest in maintaining stability, which means entrenching these power inequalities in order to secure their control over an increasingly important economic factor, i.e. land.

**Physical violence** is perpetrated, on the one hand, by private security services, such as those employed by the investor companies, and, on the other, by state security forces such as the police, which enforce the "legal" or illegal interests of public entities and companies against those of the rural communities. Besides the direct use of force (violent expulsions, destruction of homes and crops, physical abuse, abductions, injury and murder), the threat of violence is often used to intimidate the affected communities, violating the human rights to physical integrity, security, and freedom from fear.

The end of physical violence in land conflicts is a form of de-escalation, but often merely signifies the end of resistance: smallholder farmers and their families migrate to avoid the conflict, becoming landless people, slum dwellers or agricultural workers. Conflict transformation must move beyond de-escalation of physical violence and address structural and social inequality, in order to create peaceful social relations which guarantee respect for human rights and enable rural communities to fulfil their basic needs.

### Long-term and additional conflict potential from land grabbing

As well as directly escalating violence, as described above, land grabbing creates further potential for conflict. Communities that are expelled or excluded from using large areas of their land are deprived of their livelihoods. In essence, this leaves them three options for the future:

- They can migrate to the city, where they will have to compete with other migrants for scarce jobs and housing/land. This worsens conflicts in urban flashpoints.
- They can look for alternative land nearby or further afield: in traditional societies, newcomers may be allocated land by local authorities or heads of families, but often not under the same conditions or with the same rights as local people. Conflicts often flare up between locals and new arrivals, particularly when land becomes scarce.
- They can accept paid work in the investors' companies: often, this work is badly paid with little protection against pesticides and other hazards. Workers are generally employed on limited-term contracts - if, indeed, employment contracts exist at all - after a stringent worker selection process (Siagian/Siahaan/Buyung/Khairani, 2011). As there are usually more jobseekers than jobs, many face long-term unemployment. This creates conflicts between the people who are in work and those who have lost their jobs or were passed over in the recruitment process.

All three options have the potential to spark fresh conflicts, manifesting as violence and crime and opening up new divisions in village communities and societies - often between workers and jobless, or between different land users.

The long-term impacts of land acquisitions can be observed in countries where such acquisitions were completed some time ago, e.g. **South Africa**, or are already well-advanced, e.g. **Brazil** (see Box).

### Land acquisitions in South Africa and Brazil

Early in the 20<sup>th</sup> century, land acquisitions in **South Africa** were legalised under the 1913 Natives Land Act. “Homelands” were established for South Africa’s black majority, who received less than 20 per cent of the land area of South Africa (amounting to just seven per cent of its fertile farmland). More than 80 per cent was allocated to the country’s white population ([www.sahistory.org.za](http://www.sahistory.org.za)). This large-scale land acquisition took place under the policies of apartheid, i.e. racial segregation. After the end of apartheid in 1994, racial segregation laws were repealed. Nelson Mandela was elected as the country’s first black president, and in 1998, a land reform was initiated with the aim of reversing the effects of the 1913 Natives Land Act. However, since the land reform began, blacks have still only regained around 10 per cent of the land, as most land is now private property and therefore beyond the reach of the state. Indeed, white landowners who sold some of their land to the Ministry of Rural Development and Land Reform became some of the largest economic beneficiaries of the land reform. The outcomes of the land acquisition in South Africa include large numbers of landless people, human rights abuses against black rural workers and residents on commercial farms, countless murders of white landowners, and a high crime rate in cities and rural areas.

In **Brazil**, land acquisitions began with the country’s colonisation by the Portuguese and is still ongoing. In recent centuries, it has focused mainly on the federal states of Pará, Maranhão, Mato Grosso and Mato Grosso do Sul as agriculture has expanded north- and westwards. The Comissão Pastoral da Terra (CPT) publishes an annual report on land conflicts,

entitled “Conflitos no Campo”. According to the report, in 2012, 36 people were killed in land and water conflicts. There were 77 attempted murders and 295 people received death threats. More than 134 million hectares of land and 460,565 people were affected by land conflicts in 2012, mainly the landless and people without registered rights living on large agricultural holdings, and indigenous communities (CPT Nacional, 2013). Land-related violence, expulsions and the growth of large cities are the consequences of land acquisitions in Brazil.

The violence is evident from the high homicide rates: in South Africa, there were 30.9 homicides per 100,000 residents in 2011, while the figure for Brazil is 21.8, compared with the global average of 6.9 homicides per 100,000. The average for Africa is 17, and for the US it is 16 homicides per 100,000 residents (UNODC, 2013). Inequalities in income and land distribution in both these countries can be measured using Gini coefficients: in 1990, the Gini coefficient for income distribution was 0.658 for South Africa and 0.547 for Brazil, putting them 4<sup>th</sup> and 14<sup>th</sup> respectively in a list of 153 countries ranked in order of income inequality (Mecometer, 2014). Land concentration data are also available for Brazil: in 1985, Brazil had a Gini coefficient of 0.85 for land concentration, putting it in the top group worldwide after Paraguay, Peru, Panama, Spain and several island states (FAO, 1990). The governments of South Africa and Brazil have launched various social programmes (“Fome Zero” in Brazil and the child support grant, foster child grant and pension grant schemes in South Africa) in order to tackle poverty and hunger as the worst impacts of income and land concentration. However, programmes of this kind are beyond the financial scope of poorer countries.

The risks and threats faced by families and advocacy organisations opposed to land acquisitions are a further factor of relevance in this context. Cases of murder, abuse and imprisonment of individuals directly affected by land acquisitions have already been mentioned in this report. However, the conflict also affects church organisations and NGOs campaigning against land acquisitions. In Brazil, some offices of the Comissão Pastoral da Terra, a Catholic organisation opposed to land acquisitions, are regularly destroyed. Its staff have received death threats; some have been murdered. Resisting land

acquisitions is a high-risk activity in many countries. It is understandable, then, that some partner organisations are reluctant to openly express any opposition to land acquisitions, especially in countries where government repression and private contract killings are common. When analysing this conflict, it is important to bear in mind that investors generally have far more financial resources at their disposal, and better access to powerful elites, than human and land rights organisations. The intimidation of civil society is part of the strategy deployed by land investors and national elites.

### Gender-specific impacts of land conflicts and land acquisitions

The conflicts over land acquisitions adversely affect the lives of women and men in different ways. In **northern Argentina's** Wichí community, for example, women are responsible for fetching drinking water and making use of fibre gathered from wild bromeliads. The destruction of the forests around their villages and the contamination of drinking water by pesticides have adversely affected their capacity to perform these two functions. The women now have to walk a kilometre to the nearest water source. The men of the Wichí communities are hunters and fishers, but as a result of the intervention in their local environment, it has become difficult or impossible for them to perform these roles in feeding their families (Bandowski, 2013a).

According to reports from **Sierra Leone**, as a result of land acquisitions, infrastructure has been destroyed and watercourses filled in, making it impossible for men to engage in fishing and impeding women's access to clean water; they now have to walk much longer

distances to a water source. The investor's machinery has also intimidated local communities. Women have had very few opportunities to articulate their interests during the process (Bandowski, 2013b).

According to reports from **Indonesia**, men who resisted land acquisitions were arrested by the police. Women were denied access to, or were arrested instead of their husbands if the men could not be found. In one case, a woman was physically abused in the presence of her three-year-old son and arrested. Due to their mothers' arrest and imprisonment, children were left with no one to care for them (Siagian/Siahaan/Buyung/Khairani, 2011). In **Cambodia**, a woman who resisted efforts to seize her land suffered gunshot wounds (Hornung 2011, p. 14).

In **Colombia**, paramilitaries threatened to kill men resisting land acquisitions. They were told: "Sell us your land, or we'll negotiate with your widow" (Álvarez Roa 2011, p. 19).

In the case studies, the systematic threats and physical violence were mainly targeted at the men, but women have suffered similar treatment. Expulsion denies women access to traditional food and water sources, making it



Gran Chaco, Argentina: Pedro Segundo stands by the fence and points to the land that once belonged to his community. All that is left for the Wichí in San José is a narrow strip of woodland. The groundwater level has also dropped and the wells are dry.

extremely difficult for them to provide for their children. Migration, a consequence of land grabbing, causes particular hardship for women forced to leave their children in order to earn a living as migrant workers. A common feature of most of the cases studied is the minimal involvement of women in the negotiations with investors. If the negotiations are not conducted solely by government agencies, the local community is generally represented by traditional authorities or village councils, and women's voices tend to go unheard.

### **Food sovereignty, employment, structural change and compensation**

For years, the international community has been discussing the continued problem of hunger and the need to reverse the decline in agricultural investment. Low productivity is depicted as a key cause of hunger, with increased productivity, based on modern forms of agriculture, being presented as the solution. This modern form of agriculture is increasingly undertaken by national and international investors on land previously farmed by marginalised groups, which are particularly affected by hunger and undernourishment. In many cases, structural change and land tenure/land use changes pose a direct threat to these groups' food security and food sovereignty (Bandowski, 2013a, 2013b; Fritz, 2011). However, a large percentage of the crops grown by multinationals using modern agricultural techniques is exported as animal feed or biofuel (Benhöfer et al., 2012; Bertow, 2011) and is not available as foodstuffs for the domestic markets. The argument that it is essential to combat global hunger is accepted without question, even though this type of farming actually reduces the affected communities' food sovereignty. However, the concept of food sovereignty is defined, *inter alia*, as respect for "culturally appropriate food security in diverse production methods". For that reason, the IAASTD Global Report focuses on promoting small-scale farming, which does not involve land transfers (Bertow, 2011). By contrast, large-scale land acquisitions pose significant conflict risks:

- Local people are often subjected to physical violence and human rights abuses during land acquisitions.
- People who are deprived of their land migrate to neighbouring regions, and this worsens the conflicts over scarce resources.

- Land loss increases social inequalities within communities. Frustration, hopelessness and a lack of prospects can erupt into violence and crime.
- Land acquisitions often cause divisions in the affected village communities: between workers and the unemployed, winners and losers, creating additional lines of conflict.
- Compensation payments associated with land acquisitions are often not transparent, privileging a few and disadvantaging others, and thus worsen social discord.

Food sovereignty puts peoples and communities at the centre of decision-making about food issues, such as how they wish to feed themselves, and the bases of their food production. However, structural change and the expulsion of rural communities by investors spell the end of traditional forms of land use and dietary habits. Small-scale farming, pastoralism based on cattle, sheep and goats, and access to bushland to gather firewood, fruits, fungi and medicinal plants are displaced by monocultures, which rely on substantial herbicide, pesticide and fertiliser inputs and adversely affect the quality of drinking water and fishing grounds.

The acquisition of grazing land, which is largely unprotected in many countries and is therefore an easy target for land deals, has the potential to cause conflicts. Herders who are deprived of access to their traditional grazing lands have no option but to seek new pastures and food sources and often come into conflict with arable farmers engaged in field-based agriculture. Destroyed crops, on the one hand, and herds with no place to roam, on the other, are the most frequent causes of land conflicts in many African regions. Land deals and the growing scarcity of grazing land make matters worse.

With no opportunity to engage in traditional land uses, rural communities can often no longer meet their basic needs, such as food, water, energy and medicine. The alternative - employment as an agricultural worker - rarely offers an adequate or permanent income and therefore does not provide a livelihood of equal value (Lottje, 2013; Bandowski, 2013b). People's situation worsens, along with environmental quality. Migration to the cities or employment as an agricultural worker increases dependency on purchased food. If existing social inequalities are heightened by rising food prices, this worsens the risk of food riots, such as those which occurred in many countries in 2008.

## Chapter 6

# Outlook and recommendations

### Issues for the long term

Land grabbing, as distinct from other forms of agricultural investment, was defined in Chapter 1. However, other types of land investment, which do not fall within this definition of land grabbing, can also pose a conflict risk, as the previous chapters show. Before assessing the possible conflict impacts of a current or planned investment project, the following three questions should first be addressed:

- Can local communities decide freely, prior to the investment project and on the basis of adequate and valid information, whether to transfer or to keep their land? Does their decision form the basis for subsequent action?
- Will the investment aggravate conflicts? If so, will these conflicts be managed nonviolently, or will they be suppressed?
- Will local people's economic, social, political and cultural situation worsen or be improved on a sustainable basis as a consequence of the intervention? Will negative spillover effects be mitigated, and will this mitigation be permanent? Or will they result in inequalities at the local level?

Detailed analysis of these questions is becoming increasingly important, largely because agricultural investments are now often presented to the public as showcase projects; one example is the large-scale Addax Bioenergy project in Sierra Leone (Bandowski, 2013).

A study of these “positive examples” of land investment – also from a peace and conflict perspective – would be helpful to this debate. Bread for the World – Protestant Development Service and its partner organisations have a role to play in drawing attention to the escalation of physical violence in the context of land acquisitions and in ensuring that governments and investors stop the violence. It is also important to empower women and men affected by land acquisitions, and to work towards the peaceful and nonviolent resolution of land conflicts.



Macha, Zambia: An investor drove the local community off the land in order to grow jatropha. Many families initially had to live in tents.

### Preventing direct violence in land conflicts

The cases studied by Bread for the World – Protestant Development Service show that it is possible to prevent the escalation of violence, provided that:

- local security forces respect local communities' human rights and do not resort to violence as a means of enforcing the interests of land purchasers or investors;
- the local communities' land usage rights are formally recognised and protected, requiring that these communities be party to the negotiations on land deals and contracts<sup>3</sup>;
- consultation and participation mechanisms and local communities' free, prior and informed consent (FPIC) to land deals are enshrined in law and properly implemented<sup>4</sup>;
- marginalised groups lacking literacy skills have access to impartial grievance mechanisms in order to publicly express their dissatisfaction with the conditions and consequences of land acquisitions without being criminalised for doing so<sup>5</sup>;

<sup>3</sup> – In Tanzania, rural communities have secure land tenure and are therefore involved in negotiations (Kojda, 2011).

<sup>4</sup> – Countries which have signed and ratified ILO Convention No. 169 have endorsed the principle of FPIC in relation to indigenous peoples; it therefore applies in Argentina, for example, but is not implemented (Bandowski, 2013a).

<sup>5</sup> – Although grievance mechanisms exist in Sierra Leone, they have had little impact so far, largely because most people cannot read and write (Bandowski, 2013b).



- land deals are renegotiated following complaints by local communities, as occurred in Liberia;
- local communities benefit from, or have a genuine prospect of, improvements in their living conditions and social inequalities are dismantled.

These conditions are prerequisites for the avoidance of escalating conflicts and violence in connection with large-scale land deals. Most are set forth in the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO, 2012).

#### **Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security**

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) were officially endorsed by the Committee on World Food Security in May 2012 after three years of intensive consultations. They set forth principles for states and non-state actors such as companies. Pursuant to paragraph 3A, states should:

- recognise and respect all legitimate tenure right holders and their rights, whether formally recorded or not;
- safeguard legitimate tenure rights against arbitrary loss, including forced evictions;
- promote and facilitate the enjoyment of legitimate tenure rights;
- provide access to justice to deal with infringements of legitimate tenure rights; and
- prevent tenure disputes, violent conflicts and corruption.

The Guidelines include specific recommendations for dealing with marginalised groups and land acquisitions and for the resolution of land and resource conflicts. Pursuant to Chapter 16, States should expropriate only where this is required for a public purpose. However, very few countries have implemented the Guidelines' recommendations so far. The FAO, Germany and other donors have now launched various pilot projects to support the Guidelines' implementation by various countries, notably Sierra Leone and Ethiopia.

Nonviolent conflict management must be based, first and foremost, on a **renunciation of physical violence**, whether this takes the form of violence perpetrated against individuals by the police, the military, paramilitaries and security services, or involves the use of heavy machinery to destroy fields, forests, watercourses, homes and burial sites. Measures to sensitise the police and private security services must take place in parallel to criminal proceedings against perpetrators of human rights abuses. Legitimacy and good governance by public institutions are also important, as is the establishment of appropriate local bodies that are viewed as legitimate, are not susceptible to corruption, and serve the local communities' interests in a transparent manner.

At the same time, it is important to increase **the provision of information to rural communities** and strengthen their **participation** in decision-making and implementation, and to increase all stakeholders' willingness to engage in dialogue and negotiations. This requires capacity building, focusing on legitimacy, participation, equality (gender, ethnicity, marginalised groups, etc.) and benefit-sharing. As land deals can cause conflicts between winners and losers in local communities, information, awareness-raising and local mediation bodies are beneficial to nonviolent conflict resolution. Public scrutiny of local authorities is particularly important in this context, as are capacity building for local institutions such as traditional councils, increased transparency of decision-making in nonviolent transformation processes with a view to promoting participation by stakeholder communities, and active and equal participation by women and men. As this is likely to change the power relations between traditional authorities and marginalised groups, conflicts can arise, so intensive awareness-raising and good support for conflict management may be required. Lobbying for better legislation and the inclusion of all social groups, including those previously excluded, are necessary for this purpose in many countries.

The demand for **free, prior and informed consent** (FPIC) of local communities, as a precondition for land deals, is therefore being voiced with particular urgency in many countries; thus far, it is only recognised in respect of indigenous communities. The Tirana Declaration (see Chapter 1) clearly states that land acquisitions which take place without the consent of the affected communities meet the definition of land grabbing.

A further demand is fair, appropriate and sustainable **compensation** for expropriations. Expropriations

should take place only where this is required for a public purpose, which must genuinely serve the public interest, and a binding definition of “public purpose” should be established.

### Land acquisitions and nonviolent conflict management

The nonviolent management of land conflicts should prioritise local communities’ participation in negotiations and focus on improving their prospects for the future. These conflicts result from power inequalities. Peacebuilding does not mean that the weaker side gives in and surrenders its rights. The partner organisations of Bread for the World – Protestant Development Service have diverse positions on what constitutes an appropriate response to land acquisitions. Some of them take the view that positive outcomes can be achieved through negotiations with governments and investors. Others see no prospect of a win-win situation as an outcome of land deals and therefore regard opposition and resistance as the most appropriate strategy.

Dialogue and negotiations can defuse conflicts. There is no guarantee, however, that this will result in a just peace and respect for human rights, improved social and economic conditions, participation and dialogue. In many cases, there is a fear that the outcome will be a worsening of the situation, with deprivation of rights and reduced access to resources, compensated only by one-off measures or promises which may bring about a degree of stability – in the sense of an absence of violent conflict – for the time being but do not address the underlying causes of land acquisitions. The aim is the peaceful transformation of socioeconomic and political conflicts and their resolution in the sense of more participation and justice for local communities affected by land acquisitions.

For Bread for the World – Protestant Development Service, but also for partner organisations which support and engage in advocacy on behalf of affected communities, the following measures are helpful in improving the quality of **negotiations**:

- a brief summary of the Voluntary Guidelines (VGGT) applicable to negotiations on land deals (including information about existing rights, contracts, legal assistance, compensation, conflict risk analysis, facilitation of negotiations, etc.), and

- presentation of cases in which negotiations have resulted in better outcomes for stakeholder communities (Buntzel/Topor, 2013).

Regional **dialogue forums** involving local communities, public authorities and investors can be established by non-governmental or church-based organisations in order to:

- prioritise dialogue over violence;
- provide clear and transparent information about investment interests, the scale of the investment projects, and the short-, medium and long-term outlook;
- raise awareness of the various parties’ interests;
- establish a basis for genuine participation by affected communities in decision-making, and
- facilitate open-ended negotiations between land users and investors.

However, these dialogue forums are only useful if they are mandatory for investors. Furthermore, local communities must be aware of their rights and should not be threatened with reprisals if they express their views. Legal frameworks must be in place to allow communities to voice their consent to, or to reject, the proposed land deals. These frameworks exist in Senegal, Madagascar and Mozambique, but are absent in many other countries.

### Addressing structural violence and causes of conflict

Conflicts associated with land deals are a sign of mismatched interests and diminished social justice. However, governments and development organisations emphasise the need for international investment in agriculture in order to overcome hunger and poverty. As a means of providing a factual basis for this debate, long-term studies analysing physical and structural violence and conflicts associated with land acquisitions are required.

The following aspects should be investigated in this context:

- food security, hunger and poverty, especially among marginalised groups
- expulsion and resettlement
- the role and political participation of marginalised groups
- gender roles and incomes

- living conditions and social infrastructure
- access to and quality of drinking water
- historical, social, traditional and cultural dimensions and changes in land tenure, grazing, gathering and other usage rights
- environmental quality
- socioeconomic developments and medium- to long-term prospects for women, young people and men
- lobbying and advocacy by civil society groups and organisations and their relations with the government.

It is also important to investigate past and present conflict settings, the conflict relevance and peacebuilding potential of specific measures, local economies of violence and how they are reinforced by investment programmes, policy coherence, and non-agricultural development prospects. The increase in structural violence and divisions within village communities and societies are often only observed some time after land acquisitions have taken place, when widening gaps emerge between the jobless and the employed and migration triggers new land conflicts in neighbouring areas.

In this way, communities at risk, governments, development organisations and the general public can be sensitised to the real impacts of land acquisitions, thus

gaining a greater awareness of political marginalisation, socioeconomic inequality and the systematic exclusion of at-risk communities from decision-making and social participation.

#### **Promoting social justice and a just and positive peace**

And finally, it is essential to identify measures which prevent any increase in social inequality as a consequence of land acquisitions. In a repressive society, social tensions often go unnoticed, with the result that a situation of apparent stability, resulting from repression, is confused with genuine peace. So as well as publicising and raising awareness of the impacts of land deals, described in the previous chapter, it is essential:

- to take action to protect affected communities and land rights activists, e.g. through appropriate media reporting; to create opportunities for anonymous publication of reports on land acquisitions and human rights abuses in order to protect organisations and individuals with a commitment to reporting these issues; and to strengthen international organisations' protective role at the local level;



Sumatra, Indonesia: A demonstration by plantation workers: "After 100 years of oil palm plantations, the workers, farmers and ecosystem are exhausted."

- to facilitate cooperation with national and international human rights, peace and land rights organisations;
- to highlight the contradictions between certain countries' investment, land, peace and human rights policy as a basis on which to support targeted lobbying;
- to raise the European public's awareness of the linkage between local conflict dynamics and land acquisition for energy crop and animal feed production, meat consumption, human rights abuses and worsening social conditions in the context of land acquisitions, and to utilise this information in political lobbying at EU and national level;
- to draw attention, in the context of German development cooperation and international initiatives (e.g. the G8 land partnerships), on a continuous basis to conflicts, human rights abuses and worsening social conditions related to land acquisitions, particularly in Indonesia, Cambodia, Mozambique and Ethiopia<sup>6</sup>;
- when calling for good governance, participation and human rights, a stronger civil society, and transparency, to highlight their clear links with conflict management and the prevention of violence;
- to demand the Federal Government's compliance with its extraterritorial obligations in relevant cases;
- to support conflict sensitivity, management and transformation by key land sector stakeholders.

Industrialised countries and emerging economies have an important role to play in defusing conflicts associated with land acquisitions. Firstly, the main investors come from these countries; secondly, the demand for animal feed and biofuels in these countries is the key economic driver of land acquisitions. Reducing land consumption for the EU's animal feed and biofuel imports could do much to defuse the global land conflict. Cutting the consumption of animal protein by just 30 per cent in Germany would free up 5.7 million hectares of arable land worldwide, which could then be used to improve local people's food security (Bertow, 2011).

This statistic makes it clear how a local change in food habits can make a global contribution. Similar effects could be achieved by abolishing the compulsory blending of biofuels with conventional fuels in the EU.

### A gender perspective in land sector measures

In most cultures, women have far less control over land and resources than men. At the same time, they are mainly responsible for feeding their families and are therefore especially reliant on access to land. In this role, they are particularly affected by land loss, but are generally denied a say on land deals. In order to reduce discrimination against women in this context, it is essential:

- to grant women the same tenure rights as men, not only in national constitutions but also in practice;
- to ensure that women are involved as parties to negotiations on all land deals affecting arable or grazing land, forests and water resources used by them.

As a female farmers' leader from Brazil says: "When women sit at the negotiating table, the negotiations take a different course" (Spielloch 2011, p. 12 f.).

### Conflict-sensitive measures for the land sector and food security

The above examples show how many conflicts are caused by land laws, their implementation, and land deals. Governments, companies, and state and non-state development organisations should therefore analyse the conflict dimensions of every proposed land sector measure (project, investment, infrastructural measure, legal amendment, new regulations). Key issues to be addressed in this context include the following:

- What is the overall context (laws and customary tenure arrangements, political environment, corruption, social and power inequalities, national and international actors, etc.) in which the land sector measure is to take place?
- Will the proposed measure result in the loss or reduction of local communities' existing land or resource rights?
- Is it likely to increase hunger and undernourishment?
- Is it likely that any party involved in the proposed measure (companies, government agencies, etc.) will violate the affected communities' human rights?

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6 — These four countries, which have the highest number of land deals, are priority countries for German development cooperation.

- Are affected communities involved in planning and implementing the measures? Are they fully informed, and can they reject the measure?
- Will written contracts be available in the local language, detailing the changes and proposed compensation measures?
- Do any relevant grievance mechanisms exist, and do stakeholders have access to them?
- Are specific groups especially disadvantaged, or are certain groups and/or political elites in a position to benefit from the measure?
- What are the likely negative impacts, and how will they be mitigated? Which risks can be identified and how will they be managed?
- Which forms of compensation are planned and how will structural change be mitigated?
- Which measures are needed to avoid potential conflicts?

Peaceful structural change requires long-term investment in agriculture and non-agricultural income generation opportunities that facilitate socially equitable development and foster the cohesion of village communities and societies, instead of worsening conflicts.

### **Do No Harm**

Detailed analysis of the context, interventions and divisive and unifying factors can take place on the basis of the “do no harm” approach developed specifically for land programmes by Goddard and Lempke/CDA. The “do no harm” approach analyses how interventions impact on the divisive and unifying factors in a conflict and how negative impacts can be avoided. As land acquisitions are significant interventions and, as shown above, frequently lead to conflicts, this approach is a suitable method of analysis before land investments take place. It also identifies approaches which can be applied to manage conflicts nonviolently. For investments, the Corporate Engagement Program has developed guidelines on Conflict-Sensitive Business Practice. After a more detailed analysis, intensive monitoring of identified risks and planned measures must be carried out (Goddard/Lempke, CDA 2014).

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## Abbreviations

CDA	Collaborative Learning Projects (until 2005: The Collaborative for Development Action)
CPT	Comissão Pastoral da Terra
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FASE	Federação de Órgãos para Assistência Social e Educacional
FPIC	Free, prior and informed consent
IAASTD	International Assessment of Agricultural Knowledge, Science and Technology for Development
ILO	International Labour Organization
NGO	Non-governmental organisation
RENAMO	Resistência Nacional Moçambicana
RSPO	Roundtable on Sustainable Palm Oil
UNAC	União Nacional de Camponeses
UNODC	United Nations Office on Drugs and Crime
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

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Erwin Geuder-Jilg, born in 1954, is an international development agronomist. From 2008 to 2013, he was an advisor to non-governmental organisations in Angola, South Africa, Zambia, Mozambique, Cameroon, Mali, Burkina Faso and Uganda, providing support on land rights and agricultural reform. Before that, he spent 17 years working as an independent expert and trainer in Asia, Africa and Latin America. Now a consultant based in Germany, he works on land rights, conflict management, natural resources and rural development.

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