
A RECIPE FOR GLOBAL FOOD SECURITY

*The fruits of securing indigenous
and community land rights*



Most food globally is produced by small-scale producers, many of whom rely on natural resources that are held in common – including farmlands, rangelands, forests, water basins and shores. However, local rights over these resources are often ignored and violated as increasing demand for cheap commodities fuels commercial pressure to exploit them. Women are hit hardest. Secure indigenous and community land rights enable local food systems to thrive – protecting rural landscapes and the environment, sustaining diverse food cultures, protecting the right to food and promoting global food security.

We call on governments to act now by taking concrete steps to secure the land rights of Indigenous Peoples and local communities.



A young Ogiek schoolgirl picks (nugug) berries on her way back home.

OPDP AND ILC

FOOD SECURITY DEPENDS ON SECURE LAND RIGHTS

Up to 2.5 billion women and men depend on land and natural resources that are held, used or managed in common. They are farmers, pastoralists, fisherfolk, and forest keepers.¹ They make up a large part of the world's small-scale food producers, who – despite difficult challenges – provide 70% of world's food.² They protect more than 50% of the planet's land surface, but governments recognize their ownership rights over just 10%.³

The land rights of these women and men are routinely denied or revoked. Huge inequalities in the way we produce and distribute food are contributing to large-scale acquisitions that evict people, jeopardize local food systems and disrupt landscapes. Increasing commercial pressure on natural resources and the impact of climate change threaten to make the situation for Indigenous Peoples and local communities even worse in the coming years. Large-scale global food production – particularly meat and dairy – is itself fuelling climate change.⁴

The situation on the ground is difficult. Small-scale food producers are most at risk of going hungry, particularly when they cannot rely on secure land rights as a safety net in times of crisis. Worldwide, 800 million people are still food-insecure.⁵

Many of them are also harassed or threatened when they peacefully defend their rights, often from agribusiness – large-scale land operations involved in food production – which, according to Global Witness, has now become the most dangerous sector for local people.⁶

But there is another side of the story of food and land rights – a story of hope that matters to all of us and connects local farmers to lunches and dinners worldwide. Small-scale food producers not only produce most of the world's food, they also protect and sustain diverse food cultures and landscapes.

Communities are fighting back against dispossession, forging new alliances and developing creative forms of resistance, testing new ways to secure their rights, preserving food traditions,

going to court and calling on media to make their voices heard, guided by a new generation of young leaders, with women at the forefront, and backed by supporters and concerned consumers from all corners of the world who are demanding food that is local, good, clean and land grab-free.

We need to act now to defend the rights of Indigenous Peoples and local communities over the land they farm to grow their crops, the forests they protect, the rangelands and mountains where pastoralists roam their cattle, and the water basins and shores where fisherfolk catch their fish.



The global food industry is one of the major drivers of land grabbing worldwide. Indigenous Peoples and local communities are most vulnerable. Their land rights must be secured.

Aerial view of Ochosur P's oil palm plantation in Ucayali, Peru. Ancestral territory of indigenous community Santa Clara de Uchunya is being clear-cut and replaced by monocrops.

DIEGO PÉREZ / OXFAM

TRANSFORMING WORDS INTO ACTION

Across the world, an area of land twice the size of Africa – some five billion hectares⁷ – belongs to Indigenous Peoples and local communities whose legitimate land rights are not yet recognized.

There is no way to achieve global food security and preserve the way we enjoy food, if these rights are not legally recognized.

The time is ripe for change. In 2015 world leaders adopted the Sustainable Development Goals (SDGs), which include a commitment to double the agricultural productivity and incomes of small-scale food producers, in particular women, Indigenous Peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs [...].

A few months later, in Paris, they signed a historical agreement to fight climate change, which emphasized the role of “traditional knowledge, knowledge of Indigenous Peoples and local knowledge systems” in climate change adaptation.

As we enter the 2019–2028 UN Decade of Family Farming, governments have the unique opportunity to secure indigenous and community land rights as a proven strategy to support local food systems and eradicate hunger. It is time for them to translate their international commitments into domestic laws and policies, allocate adequate budgets, and establish mechanisms for their implementation.



Young men from the Ogiek community stand and talk while on a short hunting/gathering walk. Their access to the forest has been restricted.

OPDP AND ILC



GUARDIANS OF FOOD

Food production

Evidence shows that small-scale food production in Africa and Asia is more efficient and has higher crop yields per hectare than larger operations.⁸ It also shows that secure land rights help communities to manage their land more sustainably, to access credit, diversify activities and invest.⁹ Land rights are also a foundation for strong social relations and a safety net in times of crisis, including famines.¹⁰

Common lands provide wild fruits, roots and vegetables, and significant negative impacts on food security have resulted when common lands have broken down.¹¹ Pastoralists who produce milk or meat need secure rights, as do fishers for lakes, rivers or shores. Secure land rights can boost productivity of farmers by 60%, and more than double family income.¹² Securing land rights is a key strategy to increase global food production as the population continues to grow.¹³ Recognizing the rights of women – including within indigenous and community lands – is particularly important. The Food and Agriculture Organization of the United Nations (FAO) affirms that if we close the gender gap in agriculture, production could increase by 20–30%.¹⁴ Research shows that women's land rights are also associated with increased nutrition for children, among other outcomes.¹⁵

BOX 1: CLIMBING KILIMANJARO TO DEMAND WOMEN'S LAND RIGHTS¹⁶

Women's land rights are a fundamental part of indigenous and community land rights. Women leaders are often at the frontline of the struggles to secure these rights, including paying with their own lives, like Berta Caceres did in Honduras. There is a story of activism speaking out in defence of collective land rights, cultural identity and social change as part of the global movement for women's liberation.¹⁷ According to Vicky Corpuz, the UN Special Rapporteur on the Rights of Indigenous Peoples, land grabs are not gender neutral, and the increased vulnerability of indigenous and community rights have further discriminated women. These women have a double fight: like many women worldwide, they are battling to be treated as equals

while also defending their land rights to protect their communities and identity. Recently, women from across Africa climbed Mount Kilimanjaro to draw attention to their demands including:

- Ensuring 50% participation of women in bodies that make decisions on land governance.
- Respecting women and communities rights to determine which companies invest in their communities and in what ways.
- Recognizing and protecting pastoral lands.
- Banning oppressive cultural practices that undermine women's rights, including to inherit land.

- Enacting inheritance laws where needed to safeguard women's land rights.

- Including women in customary land governance structures.

- Making customary law consistent with constitutional and statutory safeguards for women's land rights.

You can read the full Kilimanjaro Charter of Demands here:

<http://tgnp.org/wp-content/uploads/2017/04/The-Kilimanjaro-Rural-Womens-Final-charter-of-demands-.pdf>





BOX 2: FORESTS ARE IMPORTANT FOR CLIMATE CHANGE AND FOOD

Worldwide, community forests hold nearly 300,000 million metric tons of carbon, an amount equivalent to 33 times global energy emissions in 2017 (the highest year on record).²⁴ Forests are also a source of food security, providing plants and animals for 1.6 billion people.²⁵ Income generated through this food has been estimated at USD 88 billion.²⁶ Forest ecosystem services enhance agricultural and fishery production, including through water regulation, soil protection and biodiversity conservation.²⁷

OPDP AND ILC

Without food, there is no life. We have to secure land for our livestock. Once a cow has a great pasture, it will be a healthy cow. And a healthy cow results in healthy human beings
– Edward Loure,²⁰
Goldman Prize Winner, Tanzania.

Biodiversity

To feed a growing world without exhausting its resources, food production needs to be sustainable, protecting diverse landscapes rather than investing in mono-cropping. Indigenous Peoples and local communities preserve 80% of the world's biodiversity²¹ and make major contributions to realizing the Convention on Biological Diversity.²² Research shows that where Indigenous Peoples have secure rights to their lands there is less than one-tenth the deforestation rate of where they do not.²³

Preserving diverse landscapes maintains the resilience of local food systems, reduces climate change and helps people adapt to it. With secure land rights, Indigenous Peoples and local communities can invest more in their ecosystems. Ignoring these rights undermines their capacity to protect natural resources, preserve soils and water sources. Box 2 explores the example of forests, but similar evidence can be found for rangelands, water basins or mountains.

Traditional food species contribute 30% to 93% of total dietary energy in indigenous communities.³²

Seeds

Secure indigenous and community land rights are fundamental to preserving seed diversity,²⁸ as they create an incentive for local communities to invest in their own seed systems. The global food system has come to depend on a handful of widely cultivated species: over 50% of the world's protein and calories comes from three crops – wheat, maize and rice – and just 12 species contribute 80% of total dietary intake.²⁹ This makes the food system more vulnerable to shocks such as changing rainfall patterns, droughts, flooding and the spread of pests and diseases. Conversely, greater seed diversity increases the chance of finding novel solutions in different environmental conditions. Many species that used to be important for the diet and culture of communities could be lost if we continue to neglect the ecosystems, local knowledge systems and land rights that are keeping them alive.³¹

Food cultures

Secure land rights are foundational to preserving diverse local food systems where consumption is less commodified, and traditional knowledge and practices around food are valued. In local food systems, the ecological, social and cultural aspects of eating, sharing and enjoying food are less artificially separated.³⁵ Connecting food consumers with farmers allows them to better understand the impact their food choices have on the people who produce food, and the planet.




BOX 3: SEEDS AND LAND RIGHTS

Three companies – DowDuPont, ChemChina/Syngenta, and Bayer/Monsanto – currently control 60% of the global seed market³³ which was worth an estimated USD 48.5 billion in 2015.³⁴ Increasingly, they determine which crops will be improved and what foods reach our plates. A silent majority of farmers and their seed systems co-exist with the commercial sector. It is local farmers who, over the centuries, have created the crop diversity that forms the basis of global agriculture today. But these farmers' seed systems are largely ignored by governments, resulting in lack of investment and denial of their rights. Securing indigenous and

community land rights is an important factor in defending farmers' ability to develop their own seed systems, and in preserving food diversity in the world.

The indigenous communities of the Andes, Peru depend on their ancestral lands for their survival. Read more about access to seeds for indigenous peoples and smallholder farmers on www.SDHSprogram.org

ILVY NIJOKIKTIJEN / OXFAM NOVIB

A close-up photograph of a person's hands holding a large quantity of small, round, green fruits, possibly wild berries or small apples, with some green leaves and stems still attached. The person is wearing a green sweater with white trim on the cuffs. The background is a blurred natural setting with green foliage.

At one time the Ogieks sourced all their food from the forest.

OPDP AND ILC

BOX 4: INDIGENOUS COMMUNITIES PRESERVE FOOD DIVERSITY

According to the FAO, around 1 billion people use wild foods in their diet.³⁶ On average, indigenous communities use over 200 different species. In India, 600 plant species are known to have food value. Worldwide, around 1000 species of insects are eaten and a thousand species of wild fungi are important sources of both protein and income. Bushmeat and fish provide 20% of protein in at least 60 developing countries.³⁷ However, access to wild plants and animals is declining as habitats come under commercial pressure, threatening food security. Wild foods can be preserved only by securing the land rights of those who manage the ecosystems in which they are found and have the knowledge to maintain them.³⁸

PROGRESS AND SETBACKS IN SECURING LAND RIGHTS

Progress in recognizing and protecting indigenous and community land rights has been made in recent years in many countries, such as Kenya, Thailand, and Mali. However, the establishment of new legal frameworks has slowed down over the last decade, undermined by lack of political will, competing interests and conflicting legislation. Parliaments worldwide are currently considering proposals for laws that could determine a new trend in recognizing indigenous and community land rights.³⁹ Citizens' capacity to raise awareness and mobilize nationally and internationally will be key to ensuring that these laws are approved and implemented.

There are substantial opportunities to advance land rights in Africa, particularly in Kenya, where regulations under the 2016 Community Land Act are still pending; the Democratic Republic of the Congo; and Liberia, where the Senate has recently approved a promising Land Rights Act. In Asia, Indonesia could implement the 2013 Constitutional Court decision reaffirming Indigenous Peoples' rights over their customary lands and forests. In Nepal, a new Forest Rights Law could lead to the recognition of land rights for nine million people. In Myanmar, the Philippines, Lao PDR and Cambodia, ongoing tenure reforms could benefit tens of millions of rural people. In Latin America, recognition of the land rights of Afro-descendant communities remains weak and increasing threats of rollback in Brazil, Bolivia, Colombia, Mexico and Peru have made it all the more crucial to protect existing indigenous and community lands. Lack of implementation of existing laws – such as the Forest Rights Act in India, the Indigenous Peoples' Act in the Philippines, and the Community Land Rights Act in Cambodia – remains a challenge.

The situation is exacerbated by closing space for dissent in many countries. The International Centre for Not-for-Profit Law records that 120 restrictive laws were adopted in 60 countries between 2012 and 2015.⁴⁰ According to Global Witness, at least 207 land and environmental defenders were murdered in 2017, including 46 who protested against palm oil, coffee, tropical fruit and sugar cane plantations or cattle ranching. One in four were indigenous.⁴¹

Beyond policy reforms, huge inequalities slow down implementation. According to the World Resources Institute, for example, it can take rural communities over 30 years to secure formal land titles and rights – when cases are not still outstanding – and only 30 days for companies. Obtaining a "native title" to land in Peru takes 19 steps and up to 25 years, compared to four years for a company; in Indonesia, it takes 4-15 years for communities but only 1.5-5 years for a company.⁴⁴ Customary tenure arrangements that once protected collectively held land are undermined, and those who lose their land often lose everything: their livelihoods, homes and cultural heritage.⁴⁵ Without strong legal protection and maps delineating their territories, communities can lose their lands to governments or investors.⁴⁶

"Attacks are an attempt to silence Indigenous Peoples voicing their opposition to projects that threaten their livelihoods and cultures".

Vicky Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples.

Tackling the root causes of violence against land rights defenders means firstly securing the land rights they fight for.

A photograph of a dense forest. In the foreground, a large plant with broad, lanceolate leaves and a central cluster of reddish-brown flowers is prominent. The background is filled with various types of trees, including tall, thin ones and more leafy ones, under a clear blue sky.

BOX 5: THE CASE OF COMPENSATORY AFFORESTATION IN INDIA⁴²

In India, when an area of forest land is diverted, companies or user agencies are required to pay a fee to afforest an equivalent area of non-forest land. Since the 2016 Compensatory Afforestation Act (CFA), around USD 6.2 billion has been collected for afforestation projects.⁴³ However, communities affected by afforestation projects are hardly consulted, they are not asked for consent and may be evicted, in violation of the rights recognised under the 2006 Forest Rights Act. Often, industrial tree plantations are developed under the CFA. Communities across India are protesting against “forced plantations” on community lands, the use of commercial instead of indigenous species,

and the practice of cutting down natural forest to create space for plantations. These forests have supported countless generations with food and shelter. Oxfam and others have shown how the Act is violating community forest rights and is ecologically unviable.



Rodrigo López, from the indigenous community Santa Clara de Uchunya in Ucayali (Peru) stands in an area recently deforested for agribusiness development.

DIEGO PÉREZ / OXFAM

WHO IS DRIVING LAND ACQUISITIONS?

According to the Land Matrix, over the last decade at least 49 million hectares worldwide have been subject to international large-scale land acquisitions.⁴⁷ This is equivalent to the combined area of Germany, the Netherlands, Belgium and Ireland. And it is likely to be just the tip of the iceberg, as the data do not cover domestic deals, deals for less than 200 hectares, or deals that have not reached the media. It is estimated that just 14% of these acquisitions happened through a process of free, prior and informed consent.⁴⁸

Around half the land (between 32 and 59%) was formerly owned by communities, including Indigenous Peoples, or smallholder farmers, which means that acquisitions are likely to lead to voluntary or forced displacements.⁴⁹ Most of these deals happened in countries with a high prevalence of hunger.⁵⁰ Ultimately, land deals are often enabled by a lack of public accountability or democratic process, or by inequality in terms of how people access and control land in contexts where the interests of companies and central governments are elevated above the rights of Indigenous Peoples and local communities. Land acquisitions are mostly driven by demand for cheap food or energy from consumers from all over the world – oil palm (6million of hectares), jatropha (2.4m ha) and sugar cane (1.9m ha) dominate.

Origin land-investor countries and food-importing countries – in the Global North and the Global South – have a major role to play in demanding land grab-free food. There are countries like Liberia, where no less than 17% of the land has already been acquired by foreign investors – an area equivalent to 2.6 million football fields, with all 237 concessions covering areas with an established community living in them. On the other hand, there are countries like the Netherlands, which hosts companies that have bought land abroad equivalent to half of its size, and which imports commodities with a large land footprint – the soy imported by the Netherlands, for example, is grown on land three-quarters of the country's size.⁵³



Top 10 origin investor countries⁵²

1. USA 8,233,690 ha
2. Malaysia 4,160,325 ha
3. Singapore 3,387,073 ha
4. China 3,152,212 ha
5. Brazil 2,417,609 ha
6. Arab Emirates* 2,333,797 ha
7. UK 2,215,389 ha
8. India 2,107,282 ha
9. Netherlands 1,886,182 ha
10. Saudi Arabia 1,617,020 ha

Top 10 target countries

1. DRC 5,222,198 ha
2. Papua New 3,792,653 ha
3. Indonesia 3,235,335 ha
4. Brazil 3,048,838 ha
5. Ukraine 2,715,954 ha
6. South Sudan 2,691,453 ha
7. Mozambique 2,521,580 ha
8. Russian Fed 2,431,852 ha
9. Congo 2,303,379 ha
10. Liberia 1,883,871 ha



At least 78,000 square kilometres were used globally to produce biofuels for the EU in 2012. The same land could have grown enough wheat or maize to feed more than 127 million people.⁵¹

A solitary Saptet tree which is sacred to the Ogiek community still stands, surrounded by hundreds of acres of non indigenous pine forests, planted in what was once part of the Mau forest.

OPDP AND ILC.

STORIES OF LAND PROTECTORS

The following pages profile cases contributed by participants in the Land Rights Now campaign to the 2018 World Food Day mobilization. They tell stories of land rights and food - from Aboriginal people jailed for catching fish to Indigenous Peoples in Kenya whose forest was grabbed to produce tea; from communities in Peru, Colombia and Uganda evicted by industrial agriculture to the impact of infrastructure development on locals in Myanmar. We join them in calling on governments and the international community to act now to secure land rights.

GUATEMALA

EVICTED FOR A SUGAR PLANTATION, INDIGENOUS FAMILIES AWAIT COMPENSATION

Land Rights Now participants

Oxfam, Action Aid, Comité de Unidad Campesina CUC.



Momentum builds in the fight against evictions in Guatemala:
Making us all a bit braver Polochic Case

Diego Silva: photographer

Large-scale palm oil, sugar and banana plantations, cattle ranches and mining and energy projects are increasingly encroaching on the lands of the Mayan Q'eqchi and Pomoqchi peoples, who have inhabited the Polochic Valley and the areas around Lake Izabal since pre-colonial times. Indigenous people, who constitute more than half of the population of Guatemala, have long been deprived of their land rights.

As affirmed by the United Nations Commission on Historical Clarification the Mayan people were subject to genocide at the hands of the militarized Guatemalan governments, during a 36 year long armed internal conflict that ceased in 1996 with the signing of the Peace Accords.

The State has made some progress but has not yet complied with the substantial agreements of the Peace Accords. There has been even some regression on the collective rights of Indigenous Peoples to prioritize corporate interests. In 2011, for example, more than 769 Q'eqchi families were violently evicted in the Polochic Valley on behalf of an expanding sugar plantation. The government later promised to give land back to the evicted families, but 414 of them are still waiting.

Many indigenous leaders across Guatemala who work with communities affected by land conflicts are being criminalized, prosecuted and killed, with 13 deaths in just the first eight months of 2018. Among the dozens of leaders who have been subjected to false or dubious charges are Abelino Chub, a teacher who has been in prison awaiting trial since February 2017; Juan Eduardo Cal, who was jailed in October 2017 and released on house arrest in December; and Maria Choc, who has been under house arrest since January 2018.

Landless indigenous families in Guatemala often suffer extreme poverty and undernourishment. Research shows that plantations are less good for local economic development than the traditional small-scale growing of maize and beans which they replace.



Action needed

- The government of Guatemala must respect human rights, including the right to food; stop violations of life and liberty; and respect indigenous rights in line with the 1996 Peace Accords.
- The government must fulfil its commitment to help all the 769 families evicted in Polochic; end prosecutions of indigenous leaders who are defending community land and water rights; and enter into dialogue with communities.

AUSTRALIA

ABORIGINAL GREAT-GRANDFATHER FACED JAIL TERM FOR CULTURAL FISHING

“Our main diet is seafood, and it’s a natural thing we’ve done all our lives. The food is healthy, my word it is. Fishing is my culture, it has been there for thousands of years for my ancestors, I’m just carrying the tradition on which I don’t want to see die”

Kevin Mason,
Yuin Nation elder and fisherman

Land Rights Now participants

Oxfam and New South Wales Aboriginal Fishing Rights Group.



Aboriginal elder Kevin Mason, second from right, outside the court house with Yuin Nation people after the Government abandoned the prosecution case.

Michael Power, Afterglow

Great-grandfather Kevin Mason is lean and fit at the age of 71. He attributes his good health to his seafood diet, and the physical activity of fishing to feed his family and community – something he has been doing every day for as long as he can remember. Mason belongs to the Yuin Nation, sea people who survive from their water.

But carrying on this ancient cultural tradition can bring indigenous Australians into conflict with the law. In response to pressure from industry, Aboriginal people in Australia are being harassed, fined and prosecuted for catching fish. Mason has been spied on, assaulted and jailed by government fisheries officers. In 2018, he faced a lengthy jail term for catching a small amount of abalone, but the government withdrew the case at the last moment.

"I knew I had a traditional right to do what I was doing," says Mason, "hunting and gathering for my people. Over the years I have just been hounded like a second-class citizen. With all this worry they have put on me, persecuted for something that is traditionally mine in the first place."

In clamping down on cultural fishing, the Government of New South Wales is ignoring the recommendation of the federal government's Productivity Commission,⁵⁴ the 1993 Native Title Act and two recent High Court cases.⁵⁵ In 2015, an official NSW government report found that the Aboriginal catch is significantly less than is formally permitted, and that indigenous practices are better at maintaining the health of marine resources.⁵⁶

Traditional owners are being discriminated against and targeted while large catch permits have been granted to commercial fishers operating close to Aboriginal communities. In the case of high value stocks like abalone, the majority of the catch from commercial fishers is exported. The story of the Yuin Nation is emblematic – ever since 1788, Aborigines across Australia have been dispossessed of lands they had occupied for 60,000 years.



Action needed

- The New South Wales Government must enforce an amendment to the Fisheries Management Act to allow cultural fishing – while protecting fish stocks – and stop harassment.
- The government should also support Aboriginal communities to access commercial markets and promote a sustainable seafood industry that draws on cultural knowledge.⁵⁷

KENYA

DESPITE WINNING IN COURT, THE OGIEK PEOPLE AWAIT JUSTICE

“The Ogiek case decision by the African Court on Human and Peoples’ Rights to recognize the rights of the Ogiek to land, forest and water is historical. With its full implementation it will mark the end of forceful removal from their forests and preserve Ogiek culture and existence”

John Samorai, Ogiek Peoples Development Program

Land Rights Now participants

Ogiek Peoples’ Development Program.



Kawawa Leah is an Ogiek elder and one of the voices of her community. Women were instrumental in the struggle to be given their Indigenous title and their right to return to their land.

OPDP and ILC

Approximately 40,000 people belonging to the Ogiek hunter-gatherer community live in the Mau forest in Kenya, which is rapidly being lost to logging, tea plantations and illegal settlements. Despite the Ogiek being guardians of these precious landscapes, the Kenyan government began to forcefully evict and relocate them with the stated aim of conserving the remaining forests.

To the Ogiek, the forest is their single most important resource and a means of livelihood. The forest is a source of food, shelter and medicine, and where most of their rituals are practiced. Traditionally hunter-gatherers, the Ogiek's main activity is apiculture, and honey their flagship product.

"It is painful to see women and children suffer during violent evictions, some of which happened at night," says Mrs Sara, a 75-year-old Ogiek elder who has witnessed community members being beaten up and killed as they tried to stand up for their right to stay on their land.

In 2012, the African Commission on Human and Peoples Rights referred the Ogiek case to the African Court on Human and Peoples Rights (ACHPR) – and on 26 May 2017, the court delivered a landmark judgment, finding that the Kenyan Government had violated the Ogiek's right to property, non-discrimination, culture, religion, development and natural resources. But the ruling has not yet been implemented, despite the formation of two government task forces in which the Ogiek are not included.

The Ogiek case is important for many similar cases across Africa, where governments urgently need to support justice for Indigenous Peoples and local communities through the establishment of mechanisms to restore land and remedy land rights violations.



Action needed

- The Government of Kenya must act now to restore the Ogiek's land and compensate them for the losses they incurred over many years.
- The national parliament should approve regulations under the 2016 Community Land Act to enable all communities, including the Ogiek, to formally apply for ownership of their lands.

MYANMAR

ROAD CONSTRUCTION LEADS TO LOSS OF LAND AND LIVELIHOODS IN CONFLICT-PRONE REGION OF MYANMAR

“Road projects have the potential to bring benefits for rural communities in Karen State, but only if implemented in a democratic and transparent manner. The reality is these roads are being built in conflict zones, where massive displacement has already occurred, information is withheld from local communities, and civil society and villagers are vulnerable to human rights violations.”

Karen,
Peace Support Network (KPSN)

Land Rights Now participants

Karen Human Rights Group (KHRG), Karen Environmental and Social Action Network (KESAN), Thwee Community Development Network (TCDN).



Man standing in front of the burnt down remains of his house in Tha Nay Moo village, following clashes between the Myanmar Army and the Democratic Karen Buddhist Army (DKBA).

KHRG, 2016

The recent construction of the Asian Highway through Karen State – a region of Myanmar that has experienced conflict since 1949 – has resulted in widespread land confiscations and military clashes that have displaced more than 1,000 people.⁵⁸ Before the construction began, developers did not seek the consent of local communities and made no meaningful effort to communicate with affected villagers about how it would impact their land, and whether they would receive any compensation.

Instead, the state's Chief Minister retroactively informed villagers who had lost land that they would receive 1.5 million kyat (USD 1,270) per acre, which would cover the construction of a bamboo house, but not the cost of purchasing new land. There was no opportunity for negotiation.

"We disagreed because we would get this only one time in our life, whereas the farm will provide for us forever" says Daw Su, a local farmer.⁵⁹ In a region where 70% of the population depends on land for their survival, land confiscations threaten the livelihoods of entire communities.⁶⁰ *"The farms are the rice pot of our family. We can send our children to school because of this farm"*, Daw Su adds.

There was an outbreak of violence between government forces and different ethnic armed organisations fighting over control of the highway. The increased tension between ethnic armed groups in the area displaced around 6,000 people, many of whom still do not have adequate food or resettlement options.⁶¹

The road construction has also affected rice yields: because drainage was not properly installed, land along one side of the highway now gets too much water and land on the other side gets too little.

The next phase of the road is currently under construction contracted to the China Road and Bridge Construction Company and funded by the Asian Development Bank (ADB). It will pass through 17 villages and 1 town. In the early stages of road construction, the government of Myanmar had not consulted local communities or negotiated compensation. Since then, the ADB has reached out to local villagers, and established a grievance mechanism.

Many problems remain: i) no meaningful conflict impact assessment has been conducted, including around quarries built on the site to mine material, which has spurred violence; ii) 100 project-affected people have received no compensation at all, and are waiting for a fair compensation;⁶² iii) no rigorous independent environmental impact assessment has been conducted, notwithstanding the involuntary resettlement, and disruption of soil and irrigation systems in the paddy plantations nearby.

The case is emblematic of today's land disputes in Myanmar, which are a major threat to long-term peace. There is an urgent need to regulate investments properly and establish a legal framework that protects the land rights of rural communities. A Myanmar national land law is foreseen, but the ongoing reforms of other land related laws under

consideration threaten to further weaken the land rights of millions of farmers. This is made more challenging by the context in which these laws are being developed. One 2015 study reported that almost half of the land confiscation cases across the country from between 1990 and 2009 were driven by the military, or the military working with government departments and business actors.⁶³ As long as these actors continue to hold the key decision-making power in the national land reform process, and voices from the ground continue to be ignored, the land rights of Myanmar's rural communities will remain under threat.



Action needed

- The Government of Myanmar, ADB and the contractor must ensure that construction does not result in human and land rights abuses, and establish a transparent, impartial and inclusive process to protect the rights of local communities. Therefore,
- The construction of the Asian Highway should be stopped until a meaningful Environmental Impact Assessment and conflict impact assessment are conducted and acted upon.
- The free, prior and informed consent of local communities should be obtained as a condition of proceeding.
- Those already displaced must be given adequate resettlement options, including formal land titles, according to international standards.
- The ADB must ensure the Government of Myanmar adhere to its safeguard policy and fulfil its responsibility to remedy the situation should the Government fail to do so.

In order to address the wider systemic issues:

- The Government of Myanmar should recognise and respect customary land rights in the forthcoming National Land Law.
- The Myanmar Investment Commission should require investors to undertake and act on both Environmental Impact Assessments, as well as conflict impact assessments before deciding on issuing permits in conflict areas.
- The government and parliament should prioritise development of the National Land Law, with credible involvement of all relevant stakeholders including indigenous people and farmers.
- The Government of Myanmar should put on hold damaging proposed amendments to the Land Acquisition Act (1894), the Farmland Law (2012), and the Vacant, Fallow and Virgin Land Management Law (2012), until a National Land Law is passed. The amendments risk further undermining the rights of Indigenous Peoples and local communities.

PERU

“THIS TERRITORY IS OURS!” LAND TITLE FOR INDIGENOUS COMMUNITY SANTA CLARA DE UCHUNYA

“Oil palm doesn’t bring us any future, it brings misfortune. It brings poverty. They deceive you and in the end they grab your land and you are nothing. Your children become their slaves and you no longer own your territory”

Rodrigo López, community member, Santa Clara de Uchunya

Land Rights Now participants

Federación de Comunidades Nativas del Ucayali y Afluentes (FECONAU) and Oxfam.



Luisa Mori, from the indigenous community Santa Clara de Uchunya in Ucayali (Peru) walks the communal area threatened by agribusiness development and land trafficking.

Diego Pérez / Oxfam

The indigenous Shipibo community of Santa Clara de Uchunya, in the Ucayali region of the Peruvian Amazon, is facing invasion of its ancestral lands by corporate oil palm plantations and land traffickers. The community claims as its ancestral territory the entire area traditionally used for hunting, fishing, farming and fruit collection. Yet they have only secured title to a small part, while land traffickers circumvent the law to accumulate titled plots in that area to sell to companies, which then raze the forests for large-scale monoculture.

Luisa Mori, a community member from Santa Clara de Uchunya, said *"I used to walk this forest, this territory was ours. This was our market, it was our medicine. I want our territory back because we don't have a place for our children, or a place where we can keep our animals. That is why we want the government to listen to us."*

In 2008, the subnational government of Peru's Ucayali region issued individual land titles to settlers for parcels within the forest claimed as collective territory of the indigenous Shipibo community of Santa Clara de Uchunya. The title holders did not actually live in the area or use the land but belonged to an association of land settlers. In 2012, the association members sold all their titled lands

– approximately 5000 hectares – to the company Plantaciones de Pucallpa. Soon thereafter, the company started large-scale forest clearing, which triggered a conflict with the indigenous community. The community affirms that no less than 20,000 hectares are their ancestral territory – including the surface that was recently deforested – and says the company failed to obtain their free, prior and informed consent before it started cutting trees.

In response to the community's complaint, the Roundtable on Sustainable Palm Oil (RSPO) conducted a formal evaluation.⁶⁴ While Plantaciones de Pucallpa withdrew its membership from RSPO on October 12, 2016, stating it had divested from all of its oil palm estates, its operations on the ground simply continued under a new name: Ochosur P. Meanwhile, land traffickers continue to invade collective lands, as newly arrived settlers received titles from the subnational government of Ucayali. The community is taking action to claim rights to all its territory, going to court to revert all titles issued to third parties in that area and demanding the land be returned to Santa Clara de Uchunya, while also requesting the subnational government to title and secure their entire ancestral territory. The case of the indigenous

community of Santa Clara de Uchunya has become an emblematic case of what is occurring in Peru and in the entire Amazon region across Latin America. Large-scale agriculture projects – deeply connected to international food and energy markets – are cutting primary forests and grabbing land traditionally occupied by local peoples. Deforestation and enclosure of communal lands appears to be an unstoppable phenomenon.

During the past decade, the Peruvian government has issued land titles to both settlers and indigenous communities, but at a slow pace due to the high cost of all the steps required by the titling procedure. Indigenous Peoples' leaders have been vocal about the difficulties posed to obtain collective titles compared to the ease with which settlers and agribusiness companies have been able to acquire individual titles.



Action needed

- The regional government of Ucayali should grant collective title to the full ancestral domain of the indigenous Community Santa Clara de Uchunya.
- The regional government should ensure protection for the lives of local indigenous leaders facing harassment and violence from settlers and land traffickers.
- The Government of Peru should recognize and protect the rights of local communities, especially in those cases in which ancestral territories are being threatened by agribusiness and land trafficking.
- Palm oil traders should not source from companies involved in cases of deforestation and land dispossession, such as Ochosur.

UGANDA

KICKED OUT OF THEIR LAND BY CONSERVATION IN UGANDA

“The Government has taken all our land stretching from Kololo to Lipan In Lamwo district”

Livingstone Okello-Okello, former MP for Chua County and chairman of Acholi Wang Oo, the local forum where community members discuss and exchange ideas about their norms and their future.

Land Rights Now participants

Uganda Land Alliance, member of the International Land Coalition Africa.



Rather than being recognized for their role in having helped preserved precious wildlife, Acholi people are being criminalized and evicted from their customary lands.

The Acholi people claim that Apaa – part of the Amuru District, a region of Northern Uganda – is their customary land, but the Uganda Wildlife Authority (UWA) says they are illegally residing in a designated wildlife area. Since 2011 the UWA has backed a series of forcible evictions, carried out by rangers, police and soldiers from the national army, the Uganda People's Defence Force.

In these evictions, soldiers have first looted items such as chickens and solar panels, then burned down the Acholi people's huts. Civil society organizations in Uganda have found that the military have burned a total of 844 huts and the evictions have displaced more than 26,000 people.⁶⁵

These communities depend entirely on their land. Food from farms cultivated in these areas support families and even serve as primary source of revenue for children's education and health. After eviction, people have become dependent on food aid or face hunger.

In 2017, a court declared that Apaa is the customary land of its current residents and eviction attempts must cease. But evictions have continued in 2018, resulting in harassment and killings: a man, Okello, was shot by an army officer; an elderly woman, Auma, fell and died while fleeing an eviction attempt; and a nine 9-year-old boy went missing when soldiers entered his village and is now presumed drowned. Two hundred have been forcibly evicted from of their land.



Action needed

- The Government of Uganda needs to respect the court decision, cease evictions, review all boundaries and game reserves, and compensate those who have suffered losses.

RECOMMENDATIONS

For the full recommendations of the Land Rights Now campaign, please see www.landrightsnow.org

The food security of hundreds of millions of people is at risk, and it has never been deadlier to defend one's community, environment or way of life. At this critical juncture,

GOVERNMENTS across the world should:

- Legally recognize, protect and enforce the land rights of Indigenous Peoples and local communities.
- Invest in local food systems, support family farming, and recognize and value the heritage of local food cultures and the knowledge they embody.
- Ensure gender justice in land governance and women's equal participation in decision-making bodies.
- Include actions for securing indigenous and community land rights in National Sustainable Development Plans and Nationally Determined Contributions to reduce carbon emissions under the Paris Agreement.
- Develop accountability mechanisms to ensure that local companies do not violate rights in their overseas activities and that food imports are all land grab free.
- Create a safe space for civil society, movements and communities to speak out for their rights.

FINANCIAL INSTITUTIONS AND COMPANIES should:

- Make concrete commitments on land rights that apply to operations, supply chains and investment chains.⁶⁶ This should include transparency, accountability and requiring the Free, Prior and Informed Consent of Indigenous Peoples and local communities for all access to, or use of, their lands.
- Ensure compliance with these commitments and provide redress for communities where rights violations occur.
- Speak out and act against any criminalization, violence or threats against land rights defenders.

GLOBAL BILATERAL AND MULTILATERAL DONORS AND FUNDS should:

- Provide direct funding to Indigenous Peoples and local communities and for community-driven initiatives to legally recognize and protect lands and other natural resources held in common.
- Commit to fully recognise, protect and safeguard indigenous and community land rights across all operations and funding. Ensure this includes processes for monitoring and redress.

CONSUMERS ACROSS THE WORLD should:

- Embrace their power to finance a fairer food system by avoiding products that violate the rights of indigenous peoples and local communities.
- Support sustainable, ethical business that provides transparent information on who produces their products, and demand other companies do the same.

ENDNOTES

1. Small farms in Asia and Africa alone are already home to some 2 billion people in IFAD. 2014. *New Directions in Smallholder Agriculture*. Rome: IFAD.
2. FAO. July 2013. *Coping with the food and agriculture challenge: smallholders' agenda. Preparations and outcomes of the 2012 United Nations Conference on Sustainable Development (Rio+20)*.
3. Rights and Resources Initiative. 2015. *Who owns the world's land? A global baseline of formally recognized indigenous and community land rights*. Washington, DC: Rights and Resources Initiative.
4. Together, the world's top five meat and dairy corporations are responsible for more pollution than large oil companies. IATP and GRAIN. Reference needed.
5. FAO, IFAD, UNICEF, WFP and WHO. 2017. *The State of Food Security and Nutrition in the World 2017. Building Resilience for Peace and Food Security*. Rome: FAO.
6. Global Witness. 2018. *At what cost? Irresponsible business and the murder of land and environmental defenders in 2017*.
7. Rights and Resources Initiative. 2015. *Ibid*.
8. Hazell P. and Rahman, 2014. *New Directions for Smallholder Agriculture*, IFAD.
9. Horan. 2013. *How stronger land use rights can curb global hunger*. Retrieved from: <https://www.devex.com/news/how-stronger-land-use-rights-can-curb-global-hunger-81710>
10. Maxwell, D. and Wiebe, K. 1998. *Land Tenure and Food Security: A Review of Concepts, Evidence and Methods*, Research Paper No 129, Madison: University of Wisconsin.
11. Flintan. 2011. *Links between food security and tenure security*. Unpublished.
12. Landesa. 2012. *Land rights and agricultural productivity*. Retrieved from: <http://www.landesa.org/resources/land-rights-matter/>
13. In 2015, FAO Director General José Graziano da Silva affirmed global food production needs to grow by 60% to feed a global population of 9 billion people. Retrieved from: <http://www.fao.org/news/story/en/item/275009/icode/>. These estimates are challenged by others, who emphasize the need to reduce food waste and loss, and to better distribute existing food. For more info see: http://www.ase.tufts.edu/gdae/policy_research/FeedWorld2050.html
14. FAO. 2011. *Women in Agriculture. Closing the gender gap for development*. Rome.
15. USAID. 2016. *Fact Sheet: Land Tenure and Women's Empowerment*. Retrieved from: <https://www.land-links.org/issue-brief/fact-sheet-land-tenure-womens-empowerment/>
16. The Killimanjaro Initiative: mobilising rural women, 2012. <http://www.actionaid.org/2016/09/killimanjaro-initiative-mobilising-rural-women>
17. M. Cunningham. 2006. *indigenous Women's Visions of an Inclusive Feminism*. *Development* 49 (1): 55–59. Retrieved 30 December 2015, from www.palgrave-journals.com/development/journal/v49/n1/full/1100227a.html
18. Corpuz. 2015 V. Tauli-Corpuz. 2015. *Report of the Special Rapporteur on the Rights of Indigenous Peoples*. United Nations General Assembly. Human Rights Council. A/HRC/30/41.
19. Coughenour Betancourt and Justine Uvuza, 2018. *Opinion: The Green Revolution reboot: Women's land rights*. Retrieved data from: <https://stats.oecd.org/Index.aspx?DataSetCode=GIDDB2014>. See also, RRI. 2017. *Power and Potential: A comparative analysis of women's rights to community forests*. Washington, DC: Rights and Resources Initiative; Oxfam International, 2016. *Unearthed: land, power, and inequality in Latin America*.
20. Slow Food International. 2016. *Interview at Terra Madre*. Retrieved from: <https://www.slowfood.com/land-grabbing-urgent-issue-indigenous-peoples-around-world/>
21. IFAD. 2012. *Indigenous Peoples: valuing, respecting and supporting diversity*. IFAD: Rome.
22. Forest Peoples Programme, the International indigenous Forum on Biodiversity and the Secretariat of the Convention on Biological Diversity. 2016. *Local Biodiversity Outlooks. Indigenous Peoples' and Local Communities' Contributions to the Implementation of the Strategic Plan for Biodiversity 2011-2020*. Moreton-in-Marsh, England: FPP. Available at <http://localbiodiversityoutlooks.net/>
23. Stevens et al. 2014. *Securing Rights, Combating Climate Change: How Strengthening Community Forest Rights Mitigates Climate Change*. World Resources Institute and Rights and Resources Initiative.
24. Rights and Resources Initiative, et al. 2018. *A Global Baseline of Carbon Storage in Collective Lands: indigenous and local community contributions to climate change mitigation*. Washington, DC: Rights and Resources Initiative, WHRC, Landmark, and EDF.
25. FAO. 2018. *The state of World's Forest. Forest Pathways to Sustainable Development*. Rome: FAO
26. FAO. 2018. *Ibid*.
27. Balvanera et al, 2014. *Linking Biodiversity and Ecosystem Services: Current Uncertainties and the Necessary Next Steps*. *Bioscience, Oxford Journals*. Vol. 64 No. 1.
28. Ruiz et. al. 2012., *The Custodians of Biodiversity*. International Development Research Centre.
29. Jaenicke H., Höschle-Zeledon I. (eds) 2006 *Strategic framework for underutilized plant species research and development*. Rome, Italy: ICUC, Colombo and Global Facilitation Unit for Underutilized Species.
30. R. Vernooij et al, 2017. *The roles of community seed banks in climate change adaptation*. *DEVELOPMENT IN PRACTICE*, 2017 VOL. 27, NO. 3, 316–327.
31. Bharucha Z. and Pretty. 2010. *The roles and values of wild foods in agricultural systems*. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 365, 2913–2926.
32. Kuhnlein H., Erasmus B., Spigelski D. 2009. *indigenous peoples' food systems*. Rome, Italy: FAO. Centre for indigenous People's Nutrition and Environment.
33. Heinrich Boell Foundation. 2017. *Agrifood Atlas – Facts and figures about the corporations that control what we eat*. Berlin.
34. Bonny. 2017. *Corporate Concentration and Technological Change in the Global Seed Industry*. *Sustainability* 9(9), 1632.

ENDNOTES

35. Visvanathan. 1996. "Footnotes to Vavilov: An Essay on Gene Diversity," in *Decolonizing Knowledge: From Development to Dialogue*, F. Appfel-Marglin, ed. Oxford & New York: Oxford University Press.
36. Aberoumand A., 2009 Nutritional evaluation of edible *Portulaca oleracia* as plant food. *Food Analyt. Meth.* 2, 204–207
37. Bharucha et al. Ibid.
38. Toledo, Víctor. (1999). indigenous Peoples and Biodiversity. *Encyclopedia of Biodiversity*. 3. 10.1016/B978-0-12-384719-5.00299-9.
39. Rights and Resources Initiative. 2018. *At a Crossroads: Consequential Trends in Recognition of Community-Based Forest Tenure from 2002-2017*. Washington, DC: Rights and Resources Initiative.
40. D. Rutzen. 2015. Civil society under assault. *Journal of Democracy*, No 26(4).
41. Global Witness. 2018. *At what cost? Irresponsible business and the murder of land and environmental defenders in 2017*. Global Witness.
42. Retrieved from: <https://www.aljazeera.com/indepth/opinion/india-forests-threat-180425104442969.html>
43. Retrieved from: <http://www.redd-monitor.org/2018/01/19/green-grabbing-compensatory-afforestation-in-india/>
44. World Resources Institute. 2018. *The Scramble for Land Rights. Reducing Inequity between Communities and Companies*. World Resources Institute.
45. *Collective Land Ownership in the 21st Century: Overview of Global Trends*, Liz Alden Wily, Leiden Law School, 2018.
46. Rights and Resources Initiative. 2015. Op. cit.
47. Land Matrix. Retrieved on 27-08-2018.
48. Land Matrix. Ibid.
49. Land Matrix. Ibid.
50. Kerstin Nolte, Wytse Chamberlain, Markus Giger. (2016). *International Land Deals for Agriculture. Fresh insights from the Land Matrix: Analytical Report II*. Land Matrix.
51. Oxfam. 2016. *Burning land, burning the climate*.
52. Land Matrix. Ibid.
53. WWF (2016). *Soy Scorecard: Assessing the use of responsible soy for animal feed*; <https://www.wnf.nl/wat-wnf-doet/onze-aanpak/grondstoffen-en-keurmerken/soja-rtrs.htm>
54. <https://www.pc.gov.au/inquiries/completed/fisheries-aquaculture#report>
55. See summary: <https://www.claytonutz.com/knowledge/2013/november/native-title-rights-to-fish-mean-state-legislation-is-mere-abalone>
56. 2015 Total Allowable Catch Committee report on the abalone fishery
57. <http://alc.org.au/newsroom/media-releases/commonwealth-delivers-on-aboriginal-fishing.aspx>
58. KHRG. 2015. 'Fighting between Tatmadaw and DKBA soldiers along the Asian Highway displaces villagers in Dooplaya District, July 2015'.
59. Pseudonym.
60. Food and Agriculture Organization. 2017. *Myanmar at a glance*.
61. 'Recent fighting between newly-reformed DKBA and joint forces of BGF and Tatmadaw soldiers led more than six thousand Karen villagers to flee in Hpa-an District, September 2016', KHRG, 2016.
62. Field Data collected by TCDN, August 2018.
63. *Destroying People's Lives: The Impact of Land Grabbing on Communities in Myanmar, Land in Our Hands*, 2015.
64. The complaint documents, including the company's responses can be read here <http://www.rspo.org/members/complaints/status-of-complaints/view/88>
65. Human Rights Focus, Caritas, Action Aid et al. 2018. *Apa Crisis Report*.
66. Under international human rights law, Indigenous Peoples have a legal right to Free, Prior and Informed Consent (FPIC). FPIC is recognized best practice for non-indigenous communities and in some jurisdictions may also be part of national law.



ABOUT LAND RIGHTS NOW

Land Rights Now is an international alliance campaign that aims to secure indigenous and community land rights worldwide. Since its launch in March 2016, over 800 organizations and thousands of individuals from all corners of the world have joined the campaign (more info on www.landrightsnow.org).

Participants in Land Rights Now are mobilizing across more than 30 countries on World Food Day 2018 to stand in solidarity with land rights heroes defending their land and feeding their families. Between 15-26 October, dozens of organizations and hundreds of communities and citizens worldwide will mobilize under the banner of Land Rights Now to call on governments to take immediate action to secure indigenous and community land rights and our food future.