
Bulletin N°50

March 2015



Europe - Third World Centre
Centre Europe - Tiers Monde
Centro Europa - Tercer Mundo

6, rue Amat,
1201 Geneva/Switzerland
Tél.: +41(0)22 731 59 63
Fax: +41(0)22 731 91 52
www.cetim.ch
contact@cetim.ch

" There is no such thing as a developed and an under-developed world, there is only a single, badly developed world. "

EDITORIAL

Has the right to land's time finally come? This historic demand from peasant movements is gaining traction at the international level, and more and more voices are being raised in support of it, in particular within the United Nations human rights bodies.

The United Nations Special Rapporteurs on the right to food and to adequate housing, the Committee on Economic, Social and Cultural Rights, as well as the Human Rights Council's Advisory Committee have all spoken out in support of the recognition of land as a human right at the international level.

And the United Nations member states are currently discussing a concrete proposal along these lines within the framework of the Human Rights Council's negotiations on the Declaration on the rights of peasants and other persons working in rural areas.

If the international community is sincere about its growing awareness of the fundamental role played by peasants and small-scale producers in food security and the right to food, then the recognition of the right to land must be a priority. There is no time to lose when large-scale land grabs are increasing while the unequal distribution of land and the lack of agrarian reform in many countries condemn hundreds of millions of peasant to survival or exile!

The recognition by the United Nations of a right to land for peasants would represent a strong political signal. It would constitute a powerful mobilization tool for the struggles of peasant organizations and would reinforce their position with their respective governments. Beyond this important symbolic element, the content of this right and the provisions regarding its implementation will also be decisive.

The CETIM is revisiting these various matters in this special issue devoted to the right to land on the occasion of its new publication.

THE NEW PUBLICATION OF THE CETIM ON THE RIGHT TO LAND IS OUT

The recognition of the right to land, a historic demand by peasant movements, is gaining momentum at the international level. This publication takes stock of this major issue of our times. It is the result of major research and inquiry, and the fruit of close collaboration with La Vía Campesina



THE RIGHT TO LAND
CETIM
Human Rights Series
94 pages
ISBN 978-2-88053-107-2
Number 16 (2014)

The recognition of the right to land is a major issue of our times, fundamental not only for all peasants but also for the rest of humanity, at a time when we are re-discovering the importance of peasants for food security and the fulfillment of the right to food, the conservation of biodiversity and the fight against climate change. Whereas hundreds of millions of peasants are still deprived of access to land or survive on tiny plots, others are daily evicted, and land grabbing is increasing.

The recognition of a right to land for peasants is more relevant than ever! And this historic demand of peasant movements is gaining momentum at the international level. It is discussed in the framework of the negotiations at the Human Rights Council (HRC) on a UN Declaration on the rights of peasants and other people working in rural areas.

This new publication of the CETIM takes stock of this issue. It is mainly intended as a support to the struggles of social movements and peasants organizations for the right to land, and in particular their efforts in favor of the recognition of this right at the UN. It constitutes a reference source that can serve as a tool for their mobilizations, campaigns or trainings.

This publication also intends to contribute to the training and information of all those engaged in favor of human rights as well as state representatives, UN and academic experts, as well as the general public.

The Right to Land is the result of major research and inquiry, and the fruit of close collaboration with La Vía Campesina. It explains why a recognition of the right to land is necessary and presents the main issues in rural areas from the perspective of agriculture and the right to food. Four peasant organizations from Colombia, France, Indonesia, and Zimbabwe, members of La Vía Campesina, present their struggles for the right to land as well the practices of their governments in land management at the national level. The text also analyzes in detail the content of existing instruments and presents specific examples of jurisprudence that plead in favor of a recognition of the right to land, at the international, regional and national level. Finally, several issues related to the content and implementation of the right to land are revisited, on the basis of the proposals formulated within the framework of the negotiations on the rights of peasants at the United Nations Human Rights Council.

The Right to Land was officially presented at a side event in Palais des Nations and a public conference in Geneva in February this year, with the presence of several representatives of peasant organizations members of La Vía Campesina.

The Right to Land is available in English, French and Spanish. It is available for free to social movements and organizations of the Global South. You can order this publication from the CETIM by email at contact@cetim.ch or by phone at +41 (0)22 731 59 63. You can also freely download or consult it on the CETIM's website (www.cetim.ch)

RIGHT TO LAND

INTERVIEW WITH FEDERICO PACHECO, LEADER OF THE SOC-SAT (ANDALUSIA, SPAIN)



Federico Pacheco during the informal consultations in November

On the occasion of its presence in Geneva in November to participate in the informal consultations on the rights of peasants, the CETIM interviewed Federico Pacheco, leader of the Rural Workers Union in Andalusia (Spain) and member of La Vía Campesina, on the right to land

Q. Federico, could you tell me briefly about the origins of the demand for the right to land?

A. These are struggles that date back many hundreds of years, and their roots lie in all those instances where peasants have been deprived of land by social and economic systems and for many other reasons. Even now, big landholdings, known as « latifundios », still exist. Even here in Europe. In Andalusia, where I come from, they are centuries old. Big entrepreneurs or States or institutions of various kinds have seized land and enslaved the peasants.

And now, in addition to the inequalities to be found in the vast majority of countries around the globe, there's this huge offensive by neoliberal capital, what we call "land-grabbing", which means buying up millions of hectares, particularly in Africa but also in other countries, and on every continent.

In Europe, this phenomena takes particularly place in Eastern Europe, where they have just opened up land markets this year. Another important issue in Europe is the fact that, with the commodification of land, land has become a merchandise, a consumer good that can be traded in the marketplace.

"a basic requirement if peasant agriculture and a living rural world are to continue"

One problem is how land use is changing. Anything to do with urban development or large infrastructure projects (useless projects, as we call them) or biofuels and other non-food products, or mining - most notably "fracking" - is ultimately very destructive, and all these actions are depriving peasants of the use of the land as such.

This means that small peasant farmers and also that landless workers are disappearing. And this at a moment when because of unemployment as it is, in Spain particularly, but more widely in Europe too, agriculture could be a mean of survival for a large sector of the population who have no work. So access to land is a basic requirement if peasant agriculture and a living rural world are to continue.

And this is the only realistic scenario to preserve the environment, prevent climate change and attain food sovereignty. In short, there will be no sustainable development if there is no peasant agriculture, and certainly not if we don't put a stop to the system of industrial farming, which is destroying the planet.

Q. So the right to land is only a matter of guaranteeing access to land? Or are there other components?

A. Well, on the one hand, if we're talking about those large landholdings ("Latifundios"), it's very important to establish access to land as a human right, that is to say to establish conditions that will guarantee anyone, peasants and other rural workers can have access to arable land. But the reality is exactly the opposite: what political and economic interests are doing is to throw people off the land so that they can keep it for themselves and prevent any peasant farming from taking place.

Given this situation, the human right to land must also include the right to hold onto land, guarantees of being able to remain on the land, and that entails security of legal tenure in order to prevent eviction and safeguard land use. Those would be the two main points.

Q. So how should the State facilitate access to land if it is recognised as a right? What measures should the State take?

A. When we talk about access to land, the way the current system sees it is that the land is there, that it is a commercial good and that anyone can access it if they have money. In our view it is absolutely essential to recognize land as a right, and precisely not a commodity. For us land cannot be a commodity, it is a common good: it may well give rise to rights, but it is a common good. No one has the right to appropriate the land.

Historically, in struggles for the land, the discussion has been in terms of land reform, i.e., splitting up large properties or latifundios among peasants in accordance with various criteria. They are expropriated and shared out. But this has also propped up the system of land commodification. Within that capitalist market system the small peasant is forced to compete with the big agroindustry with no real support from the State in terms of seeds, machinery, taking produce to market, etc. Under this kind of system, you might have land but you can't make a decent living off that land, or else you can survive by eating what you produce but you have no way to pay for a loan or buy machinery or sell your produce.

Thus historically the problem has been that the land that is shared out in agrarian reform comes back onto the market because the plots are sold and it is again concentrated in a few hands - companies or big landowners. Of course there are situations globally- among indigenous communities for instance

- where there is a system of communal property, or a system of collective ownership that enabled the land to be kept under the control of peasants and its agricultural function to be maintained. But we believe that, in Europe in particular, there needs to be a system of access to land that prevents the peasant, whether individually or collectively as part of a cooperative,

from disposing of the land as property, for sale or mortgage. That is, what is actually to be guaranteed is the use of the land. With restrictions on thy type of agriculture implemented.

So what we are asking for, and proposing in Andalusia and other places, is that States should have an obligation to place a sufficient quantity of land - by which we mean good quality, fertile, arable land, properly irrigated, not marginal land - at peasants' disposal : i.e., public holdings of farmland. We're saying that at the State, Autonomous Community and municipality levels, there must always be a stock of land so that farmers and peasants can work.

"States should create public and inalienable agrarian holdings"



Mobilization in front of Palais des Nations in Geneva in June 2014

In the past the concept of common land, grazing land, existed in Europe too, but now we think it's essential that the State guarantee this, either in the form of public land, or by making available land expropriated using the same mechanisms as in agrarian reform. We're talking about it as a public asset, i.e., land that is inalienable, that is outside the market, and that is made available for use by peasants who have proper guarantees and title and who know they have guarantees of use, usufruct and authorisation, always provided certain conditions are met, including provisions regarding the kind of agriculture permitted. That means, if it's a public asset, there can be no planting of GMOs and no huge monocultures. We have to get back to peasant farming as it used to be, with traditional systems plus all the benefits of modern agroecology.

Q. So in Spain does this public asset exist or is it still to be created from expropriations?

A. No, what still exists in Spain and other countries in Europe is common land, common property that is increasingly coming under attack from those land-grab and privatisation policies. There are a certain number of land banks too that made public land available for sale or rent. What we are proposing doesn't exist as such. There are still public lands in Andalusia, the result of a very superficial land reform in the 1980s. Some of that expropriated land - around 20,000 ha - is still there and two years ago the Andalusian Government, pleading the crisis and shortage of resources, auctioned it all off, i.e. privatised it.

So what we did was to occupy 400 ha of government land - the Somonte occupation, mainly- and we managed to halt the policy of privatisation. Well, in fact it's still in place, it hasn't been legally revoked, but in practice the land hasn't been sold and we are fighting to ensure that the whole lot is placed at the peasants' disposal, as public farmland. One of our proposals is that the Government should undertake to set aside a percentage of its annual budget - around 4% - for the purchase of more public land, so as to increase these public holdings, and also enforce a law on expropriation that is in fact already in place but is not applied, whereby all land that is underused or unused can also be expropriated and added to the common holding.

There is actually a tax on underused or unused land, enacted 30 years ago, but it isn't levied. Such land is subject to a much higher tax, but in practice it isn't applied: what the Government really wants to do is privatise those lands.

Q. To conclude, the right to land is a necessary condition but not sufficient in itself without other rights to back it up. Is that correct?

A. That's right. Historically, we struggled for the right to land, and as soon as the peasants acquired the land they also got access to resources. In the past there were local economies where once a peasant got land they could survive and live. Nowadays, though, there's patented seeds and privatised water. In the world we live in today, we can say, "No land, no peasants". Meaning that you have to have access to the land and security of tenures. Plus it must be adequate land, quality land.

But it's not sufficient because there is in fact a market, and for that you need machinery, tools, credit and you need to be able to sell your produce. And of course, if the State gives you land and says, "There you are, earn yourself a living", as though you were some big firm, but then you have to pay for water, register with the health authorities, which costs a fortune, pay social security, sell to whoever issues your certificate, i.e., the big wholesaler, rather than selling directly, and so on, then all these factors build up until there comes a time when you're no longer viable and in the end the small farmer exploits himself just to survive. So it is very important to have this support and this policy. As long as peasant agriculture and industrial agriculture have to exist side by side, there needs to be a differentiated policy. Otherwise peasants will never be able to survive and will disappear.

RIGHTS OF PEASANTS

PEASANTS' PROPOSALS INCLUDED IN THE REVISED DRAFT DECLARATION

The second session of the intergovernmental group on the rights of peasants and other people working in rural areas was held in Geneva from 2-6 February 2015. A revised draft Declaration was presented. The new draft takes up most of the proposals put forward by peasants' organizations at the informal consultations in November 2014. A large delegation from La Via Campesina and other organizations attended the meeting.

By way of background, the adoption of a United Nations Declaration on the rights of peasants is a proposal that originated with the international peasant movement La Vía Campesina, and the CETIM has been helping that group in its efforts at the UN since 2001. The campaign is being run jointly with FIAN International and with active support – notably logistic support - from Uniterre.

Following intensive awareness-raising actions and lobbying, in September 2012 we obtained a favourable decision from the Human Rights Council, which set up an intergovernmental working group to develop and adopt a United Nations Declaration on the rights of peasants and other people working in rural areas.

From 2 to 6 February 2015 the intergovernmental working group met in Geneva to consider a revised draft of the Declaration, prepared by the Chair of the working group, the Bolivian Ambassador to the UN in Geneva, based on the discussions at the first session and the informal consultations of November 2014.

A new success. The new draft takes up most of the proposals put forward by peasants' organizations, yet another victory for the campaign led by Via Campesina with the support of the CETIM and FIAN International.

Efforts were made in drafting the new text to use internationally agreed language as far as possible. This should facilitate negotiations and give States a more acceptable basis for their discussions.



Henry Saragih, Serikat Petani Indonesia, La Via Campesina, during the side event on the right to land

Generally speaking, the new draft Declaration is longer and more detailed. There are 30 articles, as against 13 in the previous draft, and States' obligations regarding implementation of the rights have been specified in each article.

Some new articles have been added to give a higher profile to civil and political rights such as the right to life, the right to freedom of opinion and expression, the right to freedom of association and access to justice.

Economic, social and cultural rights have also been strengthened, notably with the inclusion of specific articles on the right to food, the right to work, the right to social security, the right to a decent income, the right to health and the right to water.

In this way the Declaration will give greater prominence to rights that are in fact already recognized but are often

poorly understood by those affected and indeed rarely observed. It will also pave the way for further substantive progress on these rights, and on States' obligations, so as to meet the needs of peasants and others working in rural areas, and address their particular situation.

To that end, the new draft Declaration takes up numerous proposals submitted by peasants, notably the inclusion of peasants' right to produce their own food as a basic component of the right to food, the right not to be exposed to toxic agricultural chemicals as part of the right to health, and States' obligation to facilitate access to local and regional markets for peasants' produce as part of the right to a decent income.

Women's rights have been strengthened, with the inclusion of an article on rural women's rights and one on gender equality. The new draft Decla-

Right to land

The right to land is recognized in article 19 of the new draft Declaration. Efforts have been made to use language already agreed in other international instruments, notably the Voluntary Guidelines on the Responsible Governance of Tenure of Land, adopted in 2012 by the FAO's Committee on World Food Security. The main provisions of the new text concern access to land and security of tenure, two key components for peasants. La Via Campesina and CETIM representatives emphasized the need to strengthen the article with provisions on agrarian reform, the social function of land, restricting the concentration of land and banning latifundios, the right to occupy unproductive land, the right to collective and communal use of land, and the establishment of inalienable public agricultural holdings. We also proposed to include specific extra-territorial obligations for States.

ration also takes up another of the peasants' organizations' key demands in the form of a specific article on the right to food sovereignty.

New rights? In addition, the majority of the rights that peasants had identified as key, such as the right to land, the right to seeds, the right to biodiversity and the right to productive resources, are maintained in the revised draft Declaration. Although they are not yet recognized to peasants in the human rights system, they are recognized in part to other groups of persons or un-

der other international instruments, and should not be regarded as "new". A good many

"the draft Declaration recognizes the right to food sovereignty"

of the proposals on these key articles of the Declaration submitted by peasants at the informal consultations have been included.



Laurent Gaberell (CETIM) and members of the La Via Campesina delegation in Geneva in February

Thus the articles on the right to seeds and biodiversity establish peasants' right to use, grow, reuse, store, develop, exchange, transport, give away and sell their seeds. They also establish States' obligation to respect, protect and promote peasant seed systems, and to protect them against genetic contamination and biopiracy. The article on the right to the means of production is reinforced and includes the right to credit (not linked to property, which is very interesting), the right to tools, to technical support and to means of transport or transformation of peasants' produce. It also contains provisions on the promotion of agro-ecological production.

A large delegation. A large delegation from La Vía Campesina came to Geneva for the meeting, eight representatives in all, comprising two each from peasants' organizations in Asia, Africa, Latin America and Europe. Representatives from the International Federation of Rural Adult Catholic Movements (FIMARC), the World Alliance of Mobile Indigenous Peoples (WAMIP), the World Forum of Fisher Peoples (WFFP) and the International Union of Food and Agricultural Workers (IUF) had been invited and attended.

All these delegations were supported by the CETIM, not only in logistical terms but in particular in preparing the session (analysing the new text, drafting statements) and organizing different activities (meetings with delegates, side events).

The delegations played an active part in the working group meetings and were able to voice their proposals and demands with regard to the new text. They made numerous statements supporting the new text and putting forward proposals on the various articles. The emphasis was on the right to land and the right to a decent income (see boxes), and two side events were held on these points.

Overall States' reactions to the new text were positive and many of them made constructive contributions to the ne-

"non constructive attitude of Western countries"

gotiations. It took longer than expected to prepare the new text and the delegations received it quite late (a week before the session started) and in English only, which rather complicated the discussions. But the new draft was given a first reading and numerous concrete proposals were put forward. The number of States actively involved is rising and positions on several key points are beginning to converge.

The attitude of the Western countries, however - with the notable exceptions of Switzerland and Luxembourg - continues to be less than constructive and they are making their wholehearted involvement in the process



Side event on the right to a decent income

subject to unacceptable conditions. The United States and its closest allies are still disputing that there is even a need for a Declaration, and the European Union is opposed to the recognition of new rights for peasants. But cracks are beginning to appear even within the EU and behind the scenes there is a certain amount of criticism of this position, which is seen as not very constructive and too radical.

A third session of the working group will probably be convened in 2016. There should be no changes to the text in the meantime: indeed, to meet the concerns of delegations who said they had not had time to look at the text properly, the Chair of the working group has recommended in her conclusions that a second reading of the revised draft Declaration at the next meeting of the working group.

Right to a decent income

The right to a decent income is recognized in article 18 of the new draft Declaration. This is a recognized human right but here it is reaffirmed for peasants and adapted to their specific needs and necessities. The main provisions of the article concern peasants' right to earn a decent income from the sale of their products, and access to local, national and regional markets for peasants' produce. La Vía Campesina and CETIM representatives argued the need to strengthen the article by explicitly including States' obligations to regulate the markets and prevent the abuse of power, market dominance, dumping and monopolies, and guarantee fair, remunerative prices for peasant production. We also proposed more explicit reference to States' obligation to protect, allow and develop access to markets, commercialization, direct sale, and the production, exchange and small-scale processing of peasant produce, by means of rules, standards and instruments that are differentiated and appropriate for peasants' needs. We also supported including provisions on subsidies and State support to ensure that these are directed to peasants in the first instance.

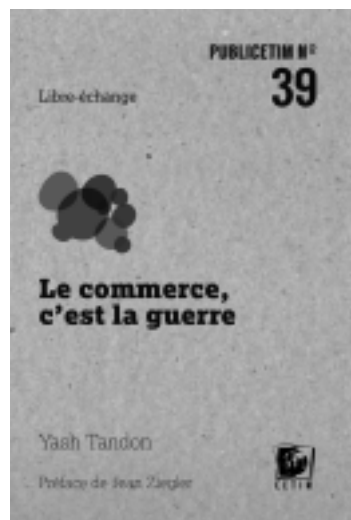
PUBLICATIONS

PUBLICETIM COLLECTION

Le commerce, c'est la guerre

Yash Tandon

Foreword by Jean Ziegler



Price : CHF 15.- / € 15.- 224 pages,
2015 ISBN : 978-2-88053-111-9
Can be ordered from the CETIM.
Available in French only.

Trade is War contests the dominant orthodoxy according to which free trade benefits everybody. Through a detailed analysis, this book proves just the opposite.

Yash Tandon is not an ivory-tower intellectual; he draws his knowledge from more than thirty years of experience in the field. He is the founder and president of SEATINI (Southern and Eastern African Trade, Information and Negotiations Institute) and the former executive director of the South Centre, a think tank devoted to

the countries of the Global South.

Trade is War shows how the WTO, economic partnership agreements (EPAs) and the accords negotiated between Europe and Africa, just like the Trans-Atlantic Free Trade Area (TAFTA) or the Transatlantic Trade and Investment Partnership (TTIP), are impregnated with an ideology masking a system that works exclusively in the interest of transnational corporations.

This system is in crisis and not only economically. The struggles for access to markets and resources result, in practice, in real wars (or proxy wars) in Africa, Asia, Latin America, the Middle East and even Europe. This centralized system, whose control and direction are in the hands of NATO, is a sinking ship.

However, everywhere, people are resisting. *Trade is War* proposes another vision: thousands of boats with, on board, autonomous communities, non-violent and working in a decentralized way, trading on the basis of use value, in function of the real needs of humanity.

"Yes [...] 'trade is war' as Yash Tandon beautifully explains in this important book."

Samir Amin, Director of the Third World Forum

"It is a must read for all those committed to a struggle against the current cannibalistic order that dominates the world."

Jean Ziegler, Vice-Président of the Human Rights Council Advisory Committee, sociologist

"Tandon demonstrates that 'trade is war', a war prosecuted by the great powers against their traditional victims, but with new weapons. This impressive study focuses on Africa, which has suffered hideous crimes. Yash Tandon's case is a powerful one, and can be extended..."

Noam Chomsky, professor emeritus of linguistics at MIT and United States foreign policy commentator

"... Yash Tandon's book, *Trade is War* is a necessary and timely contribution which goes to the roots of the deep crises we face as humanity"

Vandana Shiva, Indian environmental activist and anti-globalization author

SUPPORT THE CETIM

WHO ARE WE?

The CETIM is a research and publication center devoted to North-South relations and an organization active at the UN defending and promoting economic, social and cultural rights, and the right to development. It serves as a clearing house for analysis and proposals of social movements of the Global South and North.

BECOME A MEMBER

DONATE


CCP 12-19850-1
IBAN: CH 90 0900 0000 1201 9850 1
SWIFT/BIC: POFICHBEXXX

PARTICIPATE

in our conferences, debates and campaigns; buying or distributing our books; doing voluntary work or an internship.

CETIM

6, rue J.-C. Amat,
1202 Genève/Suisse
Tél.: +41(0)22 731 59 63
Fax: +41(0)22 731 91 52
www.cetim.ch
contact@cetim.ch

 Centre Europe-Tiers Monde

 @cetim_cetim