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AGRARIAN REFORM IN THE CONTEXT OF FOOD SOVEREIGNTY, THE RIGHT TO FOOD AND CULTURAL DIVERSITY: LAND, TERRITORY AND DIGNITY

Executive Summary

In this paper, which provides a civil society perspective on agrarian reform and rural development, we develop the concept of food sovereignty as an overarching framework or paradigm. Food sovereignty essentially defines the policy package that would be needed so that policies of agrarian reform and rural development might truly reduce poverty, protect the environment, and enhance broad-based, inclusive economic development. The most fundamental pillars of food sovereignty include the recognition and enforcement of the right to food and the right to land; the right of each nation or people to define their own agricultural and food policies, respecting the right of indigenous peoples to their territories, the rights of traditional fisherfolk to fishing areas, etc.; a retreat from free trade policies, with a concurrent greater prioritization of production of food for local and national markets, and an end to dumping; genuine agrarian reform; and peasant-based sustainable, or agroecological, agricultural practices.

We develop the human rights aspects of food sovereignty--and how food sovereignty implies agrarian reform--through an analysis of the right to adequate food, and of the right to land that rural social movements claim. We then analyze different agrarian reform policies in the light of food sovereignty, calling for a new redistributive land reform that defends and/or restores indigenous territories and respects and balances the needs of diverse rural peoples.

We highlight the issues raised by diversity by examining the perspective of indigenous peoples with regard to *territory* as a more inclusive and important concept than mere *land*, and the right to self-determination of peoples in their territories, and by looking at the situation in West Africa, where conflicting traditional practices and State-led agrarian policies can pit local, endogenous communities against colonists, colonists against the State, and farmers against cattlemen and nomadic pastoralists. In other words, while civil society organizations and social movements call for genuine redistributive agrarian reform in the context of food sovereignty policies, such programs must be designed through processes in which local communities take leadership, and which address the needs and demands of diverse constituencies, including but not limited to indigenous peoples, traditional fisherfolk, nomadic pastoralists, migrants, peasant and family farm cultivators, forest peoples, rural workers, and others. We end with a set of guidelines or recommendations to orient future agrarian reform policies in the context of food sovereignty.

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I. Introduction

3. In this paper, which provides a civil society perspective on agrarian reform and rural development, we develop the concept of food sovereignty as an overarching framework or paradigm. Food sovereignty essentially defines the policy package that would be needed so that policies of agrarian reform and rural development might truly reduce poverty, protect the environment, and enhance broad based, inclusive economic development. The most fundamental pillars of food sovereignty include the recognition and enforcement of the right to food and the right to land; the right of each nation or people to define their own agricultural and food policies, respecting the right of indigenous peoples to their territories, the rights of traditional fisherfolk to fishing areas, etc.; a retreat from free trade policies, with a concurrent greater prioritization of production of food for local and national markets, and an end to dumping; genuine agrarian reform; and peasant based sustainable, or agroecological, agricultural practices.

4. We develop the human rights aspects of food sovereignty and how food sovereignty implies agrarian reform—through an analysis of the right to adequate food, and of the right to land that rural social movements claim. We then analyze different agrarian reform policies in the light of food sovereignty, calling for a new redistributive land reform that defends and/or restores indigenous territories and respects and balances the needs of diverse rural peoples.

5. We highlight the issues raised by diversity by examining the perspective of indigenous peoples with regard to *territory* as a more inclusive and important concept than mere *land*, and the right to self determination of peoples in their territories, and by looking at the situation in West Africa, where conflicting traditional practices and State led agrarian policies can pit local, endogenous communities against colonists, colonists against the State, and farmers against cattlemen and nomadic pastoralists. In other words, while civil society organizations and social movements call for genuine redistributive agrarian reform in the context of food sovereignty policies, such programs must be designed through processes in which local communities take leadership, and which address the needs and demands of diverse constituencies, including but not limited to indigenous peoples, traditional fisherfolk, nomadic pastoralists, migrants, peasant and family farm cultivators, forest peoples, rural workers, and others. We end with a set of guidelines or recommendations to orient future agrarian reform policies in the context of food sovereignty. The task is urgent, as the situation is only getting worse in rural areas worldwide.

A Rural World in Crisis

6. At the start of the new millennium we find the rural world everywhere to be in a state of crisis. The historical origins of this crisis, in the nations of the South, can be found in colonial land grabs and the displacement of farming peoples from fertile lands with adequate rainfall, toward steep, rocky slopes, desert margins, and infertile rainforest soils, and the progressive incorporation of these displaced peoples into poorly paid seasonal labor forces for export agriculture. As a result of this legacy, only slightly modified in the post colonial period, the landless and near landless have long made up the poorest of the poor. In recent decades, neoliberal economic policies have typically made the conditions in rural areas even worse, as national governments, often with urging from international financial institutions like the World Bank, International Monetary Fund (IMF) and World Trade Organization (WTO), have:

- Presided over a set of trade, macroeconomic and sectoral policies which have conspired to undercut the economic viability of peasant, small scale and family farmers, and cooperative/collective agriculture. These policies have included trade liberalization, and

the subsequent flooding of local markets with dumped, cheap food imports, against which local farmers can scarcely compete; cutting of price supports and subsidies for food producers; privatization of credit, commercialization and technical assistance; excessive export promotion; patenting of crop genetic resources; and a bias in agricultural research toward expensive technologies like genetic engineering. Increasingly, smaller and poorer farmers find that credit is inadequate or too expensive to cover rising production costs, buyers are more scarce and monopsonist than ever, and prices are too low to cover credit and production costs. The net result has been a significant and continued deterioration in the access of the poor to land, as they are forced to sell off land they own, cannot afford land rentals or similar arrangements, or lose land by defaulting on credit.

- Dragged their feet in implementing already existing land reform and land re distribution policies, and have by and large resisted sometimes using force efforts by civil society organizations, such as movements of the landless, to push the implementation of these policies.
- Stood by as land and other resources (water, seeds, forests, oceans, etc.) have increasingly been commercialized and privatized, and watched passively as business interests both agricultural (i.e. plantations) and non agricultural (i.e. petroleum, tourism and mining) and large infrastructure projects (i.e. hydroelectric dams) have encroached on communal and public lands, and territories of indigenous peoples and local communities.
- Done nothing as agricultural commodity chains on both the input (i.e. seeds) and output (i.e. grain trading) sides have become increasingly concentrated in the hands of very few transnational corporations, who by virtue of their near monopoly status are increasingly setting costs and prices unfavorable to farmers, putting all, especially the poorest, in an untenable cost price squeeze, thus further encouraging the abandonment of agriculture.

7. In fact, governments and multilateral institutions have essentially taken up only one policy initiative on a more or less global scale, which they have presented as a 'positive' step to redress land access issues. This initiative, or series of initiatives, consists of accelerating, building upon, and 'featuring' World Bank designed and supported policies to title lands, facilitate land markets, and increasingly, promote 'land bank' credit for land purchases by the poor. This is so called 'market assisted' or 'negotiated' land reform. Unfortunately, there is mounting evidence that these policies are unlikely to significantly improve access by the poor to land, or give them more secure tenure. In fact there is good reason to believe they will actually worsen the situation in many places.

8. Thus it should come as no surprise that it is in rural areas where the worst poverty and hunger are still to be found. The expansion of agricultural production for export, controlled by wealthier producers, who own the best lands, continually displaces the poor to ever more marginal areas for farming. They are forced to fell forests located on poor soils, to farm thin, easily eroded soils on steep slopes, and to try to eke out a living on desert margins and in rainforests.

9. But the situation is often worse on the most favorable lands. The better soils of most countries have been concentrated into large holdings used for mechanized, pesticide, and chemical fertilizer intensive monocultural production for export. Many of our planet's best soils which had earlier been sustainably managed for millennia by pre colonial traditional agriculturalists are today being rapidly degraded, and in some cases abandoned completely, in the short term pursuit of export profits and competition. The productive capacity of these soils is

dropping rapidly due to soil compaction, erosion, waterlogging, and fertility loss, together with growing resistance of pests to pesticides and the loss of biodiversity.

10. The products harvested from these more fertile lands flow overwhelmingly toward consumers in wealthy countries. Impoverished local majorities cannot afford to buy what is grown, and because they are not a significant market, national elites essentially see local people as a labor source a cost of production to be minimized by keeping wages down and busting unions. The overall result is a downward spiral of land degradation and deepening poverty in rural areas. Even urban problems have rural origins, as the poor must abandon the countryside in massive numbers, migrating to cities where only a lucky few make a living wage, while the majority languish in slums and shanty towns.

11. If present trends toward greater land concentration and the accompanying industrialization and export orientation of agriculture continue unabated, it will be impossible to achieve social or ecological sustainability. On the other hand, research shows the much greater positive potential that could be achieved by redistribution of land through genuine agrarian reform. Smaller scale farmers are more productive, more efficient, and contribute more to broad based regional development than do the larger corporate farmers who hold the best land. Peasant farmers with secure tenure can also be much better stewards of natural resources, protecting the long term productivity of their soils and conserving functional biodiversity on and around their farms.

12. However necessary it is, though, redistribution of land is not enough. We are witnessing a clash between two models of agriculture on a global scale. The dominant, agroindustrial model, is based on large scale monocultural production for export, and depends on massive government subsidies to the private sector and on environmentally destructive technologies, and generates increasing poverty and hunger through exclusion and dispossession of rural majorities. This model is currently favored by government policies and by trade negotiations. Social movements and civil society organizations worldwide advocate for policies that are supportive of the peasant and small farm model of agriculture, which is potentially more productive, more environmentally sound, and is a key proven ingredient in the kind of broad based and inclusive economic development that can truly attack the root cause of poverty and hunger. A different overall policy package food sovereignty would be needed to favor this second model of agriculture and food production. We begin with this concept.

II. Food Sovereignty: Framework for Agrarian Reform and Rural Development

13. Food sovereignty is the right claimed by rural social movements worldwide of all peoples, 'countries' or state unions' to be able to define their own agricultural and food policies, without policy imposition by multilateral agencies nor any dumping in their local markets by third countries. The concept of food sovereignty was developed by La Via Campesina,¹ and brought to the public debate during the World Food Summit in 1996, and has since been endorsed by a broad range of civil society organizations around the world, and has become a major topic in the international agricultural debate, including within United Nations bodies (this section based on

¹ <http://www.viacampesina.org>

Via Campesina, 2002, 2003; Via Campesina et al., undated a,b; World Forum on Food Sovereignty, 2001; World Forum on Agrarian Reform, 2004; Rosset, 2003).

14. Food sovereignty includes:

- Prioritizing local agricultural production in order to feed people, the access of peasants and landless people to land, water, seeds, and credit, and hence the need for genuine, comprehensive land reforms, for open access to seeds, and for safeguarding water as a public good to be equitable and sustainably distributed.
- The right of family farmers and peasants to produce food and the right of consumers to be able to decide what they consume, and how and by whom it is produced.
- The right of Countries to protect themselves from low priced agricultural and food imports.
- Agricultural prices must be linked to production costs with a profit margin allowing for life with dignity for food producers: this can be achieved if the Countries or Unions of States are entitled to impose taxes, quotas and bans on excessively cheap imports, if they commit themselves in favour of a sustainable farm production, and if they manage production on the internal market so as to avoid structural surpluses.
- The people taking part in the formulation of agricultural policies.
- The recognition of women farmers' rights, who play a major role in agricultural production and in food.

15. Governments must uphold the rights of all peoples to food sovereignty and security, and adopt and implement policies that promote sustainable, family based production rather than industry led, high input and export oriented production. This in turn demands that they put in place the following measures:

Fair Policies

- Ensure adequate remunerative prices for all farmers and fishers;
- Exercise the right to protect domestic markets from imports at low prices;
- Regulate production on the internal market in order to avoid the creation of surpluses;
- Abolish all direct and indirect export supports; and,
- Phase out domestic production subsidies that promote unsustainable agriculture, inequitable land tenure patterns and destructive fishing practices; and support integrated agrarian reform programmes, including sustainable farming and fishing practices.
- Develop local food economies based on local production and processing, and the development of local food outlets.

Real Access to Productive Resources

- Recognise and enforce communities' legal and customary rights to make decisions concerning their local, traditional resources, even where no legal rights have previously been allocated;
- Ensure equitable access to land via genuine and comprehensive land reform seeds, water, credit and other productive resources;
- Grant common property rights to communities that depend on aquatic resources, and reject systems that attempt to privatise these public resources;
- Prohibit all forms of patenting of life or any of its components, and the appropriation of knowledge associated with food and agriculture through intellectual property rights regimes and

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- Protect farmers', indigenous peoples' and local community rights over plant genetic resources and associated knowledge including farmers' rights to exchange and reproduce seeds.

B. TWO MODELS OF AGRICULTURE

16. Today people of the world are confronted with two models of agriculture, rural development and food production. The dominant one is an agro export model based on the neo liberal logic of free trade, privatization and commodification of land, water, forests, fisheries, seeds, knowledge and life itself. It is guided by a drive for corporate profits and the boosting of production for export, and is responsible for the increasing concentration of landholdings, resources, and chains of production and distribution of food and other agricultural products in the hands of a few corporations. The prices of food crops and agricultural goods received by producers are constantly declining because of dumping and other factors, as are wages for farmers and workers. Consumer prices, however, continue to increase. The model is chemical intensive and is causing incalculable damage to the environment and the health of producers, workers and consumers alike.

17. The peasant and family farm based food sovereignty model, on the other hand, prioritizes local production of food for local and national markets, negates dumping, and uses sustainable production practices based on local knowledge. Evidence shows that this model is potentially more productive per unit area, more environmentally sound, and far more capable of providing rural families with a decent life with dignity, while providing rural and urban consumers with healthy, affordable and locally produced food. However, the dominant, neo liberal agro export model is pushing peasant and family farm agriculture towards extinction.

18. The agro export model is entrenched by the structural adjustment programs of the World Bank and the IMF, and the free trade regime imposed by the WTO. The promotion of individual private property through land cadastres and alienable titles has hastened the commercialization of land. Market based policies of access to land promoted by the World Bank and bilateral donors have led to heavy indebtedness among poor, small scale producers and resulted in the re concentration of land in the hands of traditional and modern elites. At the same time, the state has stepped back from the redistribution of land and has abdicated its obligation to deliver essential services such as health, education, social security, protection for workers, public food distribution systems and marketing support for small scale producers. Instead, governments have chosen to implement the neo liberal policies demanded by international financial institutions, bilateral donors and private investors, and have often used violent means including armed forces and militias to quell the resistance of peasants, workers and indigenous communities to the expropriation of their natural resources and territories.

19. Faced with the disaster that the dominant model is generating, we propose an alternative model of peoples' food sovereignty based on the rights of women and men farmers, rural workers and fisher folk to produce food for their own local and national markets, with access to and control over their own territories including land and natural resources, and on peasant based agroecological farming and artisanal fishing practices for a sustainable, people based food and farming system, Food sovereignty assures the right of every person to affordable, safe, healthy, culturally appropriate, nutritious and locally produced food, and to a life with dignity. In a move towards peoples' food sovereignty, we urgently demand effective implementation of Article 25 of the Universal Declaration of Human Rights (UDHR), Articles 1, 2 and 11 of the International Covenant on Economic, Social and Cultural Human Rights, as well as Articles 55 and 56 of the U.N. Charter in order to make the human right to food a reality, and to protect and guarantee

people's access to natural resources. In order to guarantee the rights of indigenous peoples to their lands and territories, we demand that our governments approve, ratify and effectively implement the ILO Convention 169. The realization of human rights should go beyond the notion of individual rights and also ensure the collective rights of communities and peoples.

C. THE CENTRALITY OF AGRARIAN REFORM TO FOOD SOVEREIGNTY

20. Food sovereignty has various pillars, and all are necessary. Eliminating dumping and raising crop prices without redistribution of land and other productive resources will not, in most cases, solve problems of inequality, rural poverty and underdevelopment, as large landholders will capture the benefits of fairer prices. Nor will agrarian reform without fair crop and livestock prices be effective, as the beneficiaries will find a hard time making a living. A transition to more sustainable, ecological farming, fishing or forestry practices is meaningless if people do not have access to land, fishing areas and forests, yet getting that access while reproducing the expensive and destructive technology of the dominant model will dig them into an economic and ecological hole from which it will be difficult to escape.

21. Thus, we affirm that state led, redistributive agrarian reform is a key building block of the food sovereignty model and is a crucial measure for the realization of fundamental human rights such as the right to food, housing, work, environment, to participate in cultural life and to enjoy one's own culture, and to participate in the conduct of public affairs, though alone it is not enough. Comprehensive food sovereignty policies provide the framework within which agrarian reform and rural development can be successful at eliminating poverty and providing all rural people with the possibility of a life with dignity, and agrarian reform is an integral component of such policies.

22. Contemporary agrarian reform programs must guarantee to peasants, rural workers, indigenous peoples, and racially and socially excluded communities, access to and control over land, water, seeds, forests, and fisheries, as well as means of production (financing and training), distribution and marketing. It must also guarantee indigenous peoples rights to their territories, including the recuperation of their territories when these have been taken from them, and their autonomy and self determination in those territories. It must also guarantee fisherfolk families access to and control over the management of their fishing grounds, and must balance the needs, rights and demands of diverse actors, including women, men and youth, peasant and family farm families, indigenous peoples, fisherfolk, forest dwellers, migrants, rural workers, and others. Agrarian reform must guarantee security of land and resource tenure, free access to knowledge and technology, support the use of land for productive purposes, and avoid the re concentration of land. Agrarian reform must ensure to women full and equal opportunities and rights to land and natural resources and must compensate women for the historic discrimination and social disadvantages they have been subjected to. Youth should be provided with appropriate opportunities for a dignified future. The final declaration of the World Forum on Food Sovereignty, held in 2002, stated:

- Food sovereignty implies the implementation of radical processes of comprehensive agrarian reform adapted to the conditions of each country and region, which will provide peasant and indigenous farmers with equal opportunities for women with equitable access to productive resources, primarily land, water and forests, as well as the means of production, financing, training and capacity building for management and interlocation.

- Agrarian reform, above all, should be recognized as an obligation of national governments within the framework of human rights and as an efficient public policy to combat poverty. These agrarian reform processes must be controlled by peasant organizations and must guarantee both individual and collective rights of producers over shared lands, and be articulated within coherent agricultural and trade policies. We oppose the policies and programs for the commercialization of land promoted by the World Bank instead of true agrarian reforms by governments (World Forum on Food Sovereignty, 2002).

III. The Human Rights Underpinning of Food Sovereignty and Agrarian Reform

The right to food is a human right that is protected by international law. It is the right to have regular, permanent and unobstructed access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and ensuring a physical and mental, individual and collective, fulfilling and dignified life free from anxiety. Governments have a legal obligation to respect, protect and fulfill the right to food...

While the Special Rapporteur believes that international cooperation is fundamental, the primary obligation to realize the right to food rests with national Governments. At this level, access to land is fundamental, and agrarian reform must be a key part of Government strategies aimed at reducing hunger. In many parts of the world, people are struggling to survive because they are landless or because their properties are so small that they cannot make a decent living. Agrarian reform must be just, fair and transparent... [and] more attention should be paid to the alternative models proposed by civil society, particularly the concept of food sovereignty. Access to land and agrarian reform, in particular, must be key elements of the right to food.

Jean Ziegler, Special Rapporteur of the Commission on Human Rights on the Right to Food, 2002.

23. In a detailed contribution to this paper, Monsalve (2005) lays out the human rights basis for food sovereignty and agrarian reform. In November of 2004, the FAO Council approved the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, based on Article 25 of the Universal Declaration of Human Rights, Articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR),² and Articles 55 and 56 of the Charter of the United Nations, all which together make it clear that we have a *human right to adequate food*.³ Other international instruments that support this position include the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women, the four Geneva Conventions, and their two Additional Protocols. The guidelines, and these supporting instruments, provide a

² Adopted and opened for signing and ratification by the UN General Assembly in resolution 2200 A (XXI), 16 December 1966. Came into force on 3 January 1976.

³ <http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm>

systematic underpinning for food sovereignty perspectives and for access to land (see FIAN, 2006 for a detailed interpretation of the Guidelines).

24. The FAO Guidelines (paragraph 16) "...aim to guarantee the availability of food in quantity and quality sufficient to satisfy the dietary needs of individuals; physical and economic accessibility for everyone, including vulnerable groups, to adequate food, free from unsafe substances and acceptable within a given culture; or the means of its procurement." In order to achieve this, Mr. Jean Ziegler, Special Rapporteur of the Commission on Human Rights on the Right to Food (2002), argues in favor of:

...alternative potential policy options, including small scale farming, local production, agroecological methods and the concept of food sovereignty. The Special Rapporteur believes that these proposals must be given greater attention at the international level if the question of hunger in the world is to be seriously addressed. He advocates the concept of *food sovereignty* as defined by the NGO/CSO Forum on Food Sovereignty. The Forum defined the concept of food sovereignty with a focus on several key elements. These include promoting food production for domestic and local markets using agroecological peasant and family farming; ensuring fair prices; ensuring access to land and other vital resources; recognizing women's role in food production; access to resources; promoting community control over productive resources; protecting seeds from patenting; encouraging a moratorium on genetically modified crops, given the risk of affecting genetic diversity; and increasing public investment to support the empowerment and productive activities of families and communities. If hunger and chronic malnutrition in the world are really to be addressed, and States are to meet the commitments they have made, this alternative model provides important guidance [italics added].

25. According to the UN Committee on Economic, Cultural and Social Rights (1999), the ability of an individual to feed themselves depends on the opportunity granted them by society in terms of "*exploiting productive land or other natural food sources*, or by means of food distribution, processing and marketing systems that function adequately and are capable of transporting food from where it is produced to wherever the need may be." From this interpretation, it is clear that food production through one's own access to land is part of the human right to adequate food. In fact, the States that are parties to the ICESCR are obligated to respect, protect and realize access to land for those who need it, and the Special Rapporteur (Ziegler, 2002) states explicitly that "*agrarian reform must be a key part of Government strategies aimed at reducing hunger*". Monsalve (2006) provides a much more detailed legal and human rights basis for food sovereignty and agrarian reform, including issues of sustainability, land and public sector services, the application of these rights at the national level, the legal framework and legal recourse, and the relationship with civil and political rights. We put her full paper at the disposition of readers at:

<http://www.acciontierra.org/display.php?article=391>

26. In particular, she points out that these are "existing rights," and that peoples have the right to fight for their existing rights under international law. This means that the repression of movements struggling for access to productive resources and their realization of the right to adequate food, is a fundamental violation of civil and political human rights.

IV. What Kind of Agrarian Reform under Food Sovereignty?

27. As described above, food sovereignty rests on the concepts of economic and social human rights, which include the right to adequate food. Food sovereignty argues, as does the Special Rapporteur, that there is a corollary right to land, and even, the “right to produce” for rural peoples (Ziegler, 2002, 2004), which can in most cases only be achieved via agrarian reform. But, what kind of agrarian reform? Not all agrarian reforms are redistributive in nature; that is, not all agrarian reforms alter the existing structures of land tenure and land holdings, and in particular, not all address inequality in land holdings. It is the belief of the authors of this paper that food sovereignty and the right to adequate food can only be achieved by agrarian reforms which are redistributive in nature, and/or based on the defense of, or restitution of, the territories of indigenous, farming, forest dwelling, pastoral and fishing peoples (Rosset, 1999, 2001a). In this section we review the variety of on going agrarian reforms in the world, in order to evaluate their efficacy, and then make the case for redistributive reforms.

A. ON GOING AGRARIAN REFORMS

The “Official” Reforms

28. The World Bank is taking the lead in promoting, and in some cases financing, comprehensive reforms of land tenure, including titling, cadasters and land registries, land market facilitation, market assisted or negotiated redistributive reforms, and credit, technical assistance and marketing support (Rosset, 2004; Deininger and Binswanger, 2001; Deininger, 2001, 2003; Bond, 2000). Here the Bank has followed the lead of its own development economists, who have found that severe inequality in land tenure retards economic growth, poverty alleviation, and efforts to use soils sustainably (Deininger, 2003; Deininger and Binswanger, 2001). In this policy environment other institutions, including governments, aid agencies, and other development banks, are following the lead of the World Bank and aggressively implementing some, or in some cases, all of these reforms (De Janvry et al., 2001; Burns, et al., 1996).

29. While one might applaud the fact that thanks to the World Bank it is no longer taboo to propose land reform as a key element in sustainable development (de Janvry et al., 2001; Rosset, 2002), the Bank's land policies are largely failing to address underlying causing of poverty and exclusion (Borras, 2003a; 2005; forthcoming). Land titling programs can lead to new land loss, as in Thailand (Leonard and Narintarakul Na Ayutthaya, forthcoming), and conflicts, as in Mexico (de Ita, forthcoming), and the cost of land banks makes their potential scope woefully inadequate when compared to the magnitude of landlessness, as in Guatemala (Garoz and Gauster, 2005), while ‘beneficiaries’ are strapped with heavy debts for expensive land of dubious quality as in Guatemala and Brazil (Garoz and Gauster, 2005; Sauer, forthcoming). Furthermore, market based ‘solutions’ tend to depoliticize the problem of landlessness, which by its nature can only be resolved by structural changes of a kind that can only be addressed in the sphere of politics, rather than that of the market (Rosset, 2002, 2004). Finally, these ‘reforms’ are carried leaving the neoliberal policy environment, so inimical to family agriculture, and the ‘model,’ intact. We can hope for little positive change, then, from these efforts (Barraclough, 1999; Borras, forthcoming).

State led Land Reforms

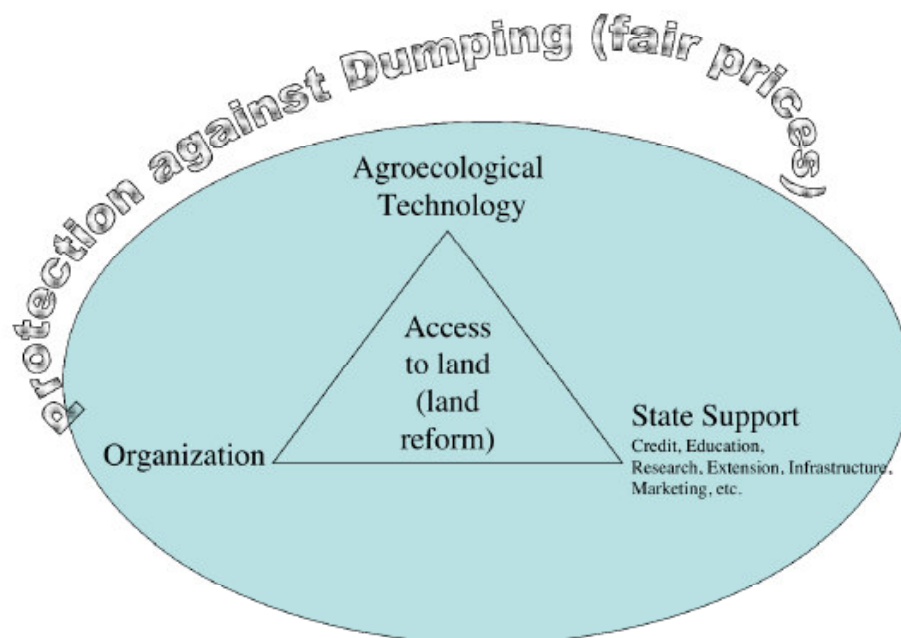
30. “In every Latin American case where significant land redistribution benefiting the rural poor took place, the state played a decisive role,” wrote the late Solon Barraclough (1999:33). Unfortunately, he also wrote, in every case where reform was denied or deformed, the state also played a critical role.

31. Only two contemporary governments, in Latin America or elsewhere, can truly be said to have a sincere commitment to genuine land reform, including a transition of models geared to making family scale and cooperative agriculture more viable. These are Cuba and Venezuela (Rosset et al., forthcoming).

32. While Cuba's original revolutionary land reform took place in the 1960s, Funes et al. (2001) show how a second 'reform within the reform' allowed Cuba to escape from a food crisis in the 1990s, in what might be the closest example to a true transition from an agroexport toward more food sovereignty like model of the kind called for by Via Campesina. Figure 1 summarizes key elements which made such a transition possible. The *sine qua non* factors were, first of all, access to land by the rural majority, shown on the inside of the schematic model. Cuba's 'second' land reform to break up state farms into smaller, cooperative and individual production units was possible because the earlier expropriation of landlords had already taken place. Second of all, the *de facto* protection from dumping provided by the trade embargo, provided a positive condition (albeit for a very negative reason), in that higher prices for farmers provided the economic viability and incentives needed for agriculture itself to survive the crisis. The other key factors were state support for the transition (shifts in credit, research, extension education, etc., to support the new model), a highly organized rural sector which made the rapid dissemination of change possible, and the existence of autoctonous, agroecological technology (from both accumulated peasant knowledge and from scientific institutions) to help break dependence on no longer available imported inputs (Funes et al., 2001).

33. The case of Venezuela is still very much up in the air. While the government of President Chavez has made clear it's commitment to genuine agrarian reform, a number of factors, including the resistance of landlords and bureaucrats, the failure (so far) to address the dumping effects of massive food imports, and the relative lack of organization of the peasant into an actor, or at least active subject to push land reform, have so far conspired to keep progress uneven at best (Wilpert, forthcoming).

Figure 1. Keys to the Cuban transition toward a more food sovereignty-style model during the 1990s.



Land Reform from Below

34. Barraclough noted that, “in every case where significant land reforms occurred, protests and demands by organized peasant producers and rural workers made crucial contributions to bringing them about” (1999:36). Today it is movements around the world who are engaged in a wave of land occupations that are putting the pressure on governments to respond. The mid to late 1980s and 1990s saw the appearance, and in some cases, the coming of age, of a new generation of well organized movements of landless peasants and rural workers. While the landless have always engaged in takeovers or 'recuperations' of idle lands, there has been a qualitative change in the organization and political savvy of contemporary groups. Landless movements are bringing land reform to national and international policy debates even as they seize, occupy, and plant idle lands often at a tremendous cost of lives lost and arbitrary arrests. These movements are growing rapidly around the world, from Brazil, Paraguay, Bolivia, Honduras and Nicaragua, to South Africa, Zimbabwe, Indonesia, Thailand, India and countless other countries. Indeed, across most of the Third World, we are seeing the emergence of a new source of hope and dynamism, from these largely non violent poor people's movements who sidestep government inaction and take matters firmly into their own hands (Rosset, 2001a).

35. Brazil and the very successful Landless Workers' Movement (MST) are a case in point. While large landowners in Brazil on the average leave more than half of their land idle, 25 million peasants struggle to survive in temporary agricultural jobs. Founded in 1985, the MST organizes landless workers to occupy idle lands, using the “social function of land” clause in the Brazil constitution to legalize their claims, though they must defend themselves against the hired guards of the landowners and government security forces. Today more than 300,000 families which means more than one million people have won title to over 8 million hectares of land through MST led actions, a veritable reform from below (Langevin and Rosset, 1997; Mançano Fernandes, 2001; Wolford, 2001; Wright and Wolford, 2003).

B. THE CASE FOR RE DISTRIBUTIVE LAND REFORM

36. The redistribution of land can fulfill a number of functions in more sustainable development (Barraclough, 1999; Ziegler, 2002; Rosset, 1999). Dozens of land reform programs were carried out after WW II. In looking back at the successes and failures, we can distinguish between what might be called 'genuine' land reforms, and the more 'window dressing' or even 'fake' reforms (Lappé et al., 1998; Sobhan, 1993).

37. When a significant proportion of quality land was really distributed to a majority of the rural poor (or tenure for the majority was reformed in such a way that immiserating landlord tenant relationships were abolished), with trade, macroeconomic and sectoral policies favorable to successful family farming in place, and when the power of rural elites to distort and 'capture' policies was broken, the results have invariably been real, measurable poverty reduction and improvement in human welfare (Sobhan, 1993). The economic successes of Japan, South Korea, Taiwan, China and Cuba resulted from such reforms (Sachs, 1987; Ziegler, 2002; Boyce et al., 2005). In contrast, when 'reforms' gave only poor quality land to poor families and failed to support them with favorable policies, credits, prices and access to markets, or failed to alter the rural power structures that work against the poor, land reform failed to affect broad based changes (Sobhan, 1993; Lappé et al., 1998; Thiesenhusen, 1995; Barraclough, 1999).

38. The more successful reforms triggered relatively broad based economic development. By including the poor in economic development, they built domestic markets to support national economic activity (Sachs, 1987). The often tragic outcome of failed reforms was to condemn the 'beneficiaries' to marginalization from national economic life, as they frequently assumed heavy debts to pay for the poor quality land they received in remote locations without credit or access to markets and in policy environments hostile to small farmers (Sobhan, 1993, Thiesenhusen, 1995).

39. Today we have a new opportunity to learn the lessons of past reforms and apply them to the practical goals of development. Land reform is no longer a taboo subject in the discourse on development, thanks in part to the 1996 World Food Summit, and to the somewhat unfortunate initiatives of the World Bank. We are witnessing a worldwide upsurge in people taking matters into their own hands via land occupations, both spontaneous and organized, on both small and large scales. From the land crisis in Zimbabwe (Moyo and Yeros, 2005), to the massive land takeovers in Chiapas in the wake of the Zapatista rebellion (Rosset, 1995), and the MST in Brazil (Langevin and Rosset, 1999; Wolford, 2001), “land reform from below” is increasingly a reality even as policy makers dither. These grassroots movements, together with a wide array of civil society organizations, are increasingly challenging national governments and World Bank land reform policies, and putting forth alternatives. Here we look at the important roles redistributive land reform can play in the move toward more sustainable development.

Land reform and poverty

40. History shows that the re distribution of land to landless and land poor rural families can be a very effective way to improve rural welfare (Ziegler, 2002). Sobhan (1993) examined the outcome of virtually every land reform program carried out in the Third World since World War II. He is careful to distinguish between what he calls 'radical' re distribution (called 'genuine land reform' by Lappé et al., 1998), and 'non egalitarian' reforms (or 'fake land reform' in the Lappé et al.'s terminology). When quality land was really distributed to the poor, and the power of the rural oligarchy to distort and 'capture' policies broken, real, measurable poverty reduction and improvement in human welfare has invariably been the result. Japan, South Korean, Taiwan, Cuba and China are all good examples. In contrast, countries with reforms that gave only poor quality land to beneficiaries, and/or failed to alter the rural power structures that work against the poor, have failed to make a major dent in rural poverty (Sobhan, 1993; Lappé et al., 1998).

41. While Sobhan looked at national level statistics to derive his conclusions, Besley and Burgess (2002) recently looked at the history of land reform in 16 individual Indian states from 1958 to 1992. While these were by and large not radical reforms in Sobhan's sense, many did abolish tenancy and reduce the importance of intermediaries. The authors found a strong relationship between land reform and the reduction of poverty. Leite et al (2004) found that settlers in land reform settlements in Brazil earn more than they did before, and than do still landless families, they eat better, they have greater purchasing power, they have greater access to educational opportunities, and they are more likely to be able to unite their families in one place (rather than “lose” family members to migration). In fact land reform holds promise as a means to stem the rural urban migration that is causing Third World cities to grow beyond the capacity of urban economies to provide enough jobs. Even in Zimbabwe, where land reform was ended prematurely and is very incomplete, the evidence shows that beneficiaries are quite substantially better off than others (Deininger et al., 2000).

42. Another way of looking at it is in terms of the cost of creating a new job. Estimates of the cost of creating a job in the commercial sector of Brazil range from 2 to 20 times more than the cost of establishing an unemployed head of household on farm land, through agrarian reform. Land reform beneficiaries in Brazil have an annual income equivalent to 3.7 minimum wages, while still landless laborers average only 0.7 of the minimum. Infant mortality among families of beneficiaries has dropped to only half of the national average (Stédile, 1998).

43. This provides a powerful argument that land reform to create a small farm economy is not only good for local economic development, but is also more effective social policy than allowing business as usual to keep driving the poor out of rural areas and into burgeoning cities.

44. Sobhan (1993) argues that only land reform holds the potential to address chronic underemployment in most Third World countries. Because small farms use more labor and often less capital—to farm a given unit of area, a small farm model can absorb far more people into gainful activity and reverse the stream of out migration from rural areas.

Land reform and productivity

45. In the past there was a longstanding debate concerning the likely impacts of the redistribution of farm land to the poor, which almost inevitably leads on the average to smaller production units. One concern was that that, when freed from exploitative share cropping, rental or labor relationships, the poor would retain a greater proportion of their own production for their own consumption (not necessarily a bad thing), thus leading to a net decrease in food availability for other consumers. However, this argument has been put to rest by the evidence (Sobhan, 1993), and by the productivity gains that can be achieved by sifting to smaller scale, more intensive styles of production.

46. In Brazil, family farm agriculture produces 24% of the total national value of production of beef, 24% of milk, 58% of pork, and 40 % of poultry and eggs. It also generates 33% of cotton, 31% of rice, 72% of onions, 67% of green beans, 97% of tobacco, 84% of cassava, 49% of maize, 32% of soya, 46% of wheat, 58% of bananas, 27% of oranges, 47% of grapes, 25% of coffee, and 10% of sugar. In total, family farm agriculture accounts for 40% of the total national value of production, while occupying just 30.5% of the cultivated land area. They generate fully 76.9% of the national employment in agriculture, all while receiving only 25.3% of farm credit (Pengue, 2005).

47. In fact, data shows that small farms almost always produce far more agricultural output per unit area than larger farms, and do so more efficiently (Rosset, 1999). This holds true whether we are talking about industrial countries or any country in the Third World. This is widely recognized by agricultural economists as the "inverse relationship between farm size and output" (Tomich et al., 1995; Rosset, 1999; etc.). A 1999 report (Rosset, 1999) examined the relationship between farm size and total output for fifteen countries in the Third World. In all cases relatively smaller farm sizes were much more productive per unit area 2 to 10 times more productive than larger ones. Thus re distributive land reform is not likely to run at cross purposes with productivity issues.

Land reform and economic development

Agrarian reform that is truly transformative and redistributive has proved to be fundamental in reducing poverty and hunger in many countries, and can be a key to generating economic growth that benefits the poorest.

Jean Ziegler, Special Rapporteur of the Commission on Human Rights on the Right to Food, 2002⁴

48. Surely more tons of grain is not the only goal of farm production; farm resources must also generate wealth for the overall improvement of rural life including better housing, education, health services, transportation, local economic diversification, and more recreational and cultural opportunities.

49. In the United States, the question was asked more than a half century ago: what does the growth of large scale, industrial agriculture mean for rural towns and communities? Walter Goldschmidt's classic 1940's study of California's San Joaquin Valley compared areas dominated by large corporate farms with those still characterized by smaller, family farms (see Goldschmidt, 1978).

50. In farming communities dominated by large corporate farms, nearby towns died off. Mechanization meant that fewer local people were employed, and absentee ownership meant that farm families themselves were no longer to be found. In these corporate farm towns, the income earned in agriculture was drained off into larger cities to support distant enterprises, while in towns surrounded by family farms, the income circulated among local business establishments,

⁴ Ziegler, 2002

generating jobs and community prosperity. Where family farms predominated, there were more local businesses, paved streets and sidewalks, schools, parks, churches, clubs, and newspapers, better services, higher employment, and more civic participation. Studies conducted since Goldschmidt's original work confirm that his findings remain true today (see Fujimoto, 1977; MacCannell, 1988; Durrenberger and Thu, 1996).

51. The Amish and Mennonite farm communities found in the eastern United States provide a strong contrast to the virtual devastation described by Goldschmidt in corporate farm communities. Lancaster County in Pennsylvania, which is dominated by these small farmers who eschew much modern technology and often even bank credit, is the most productive farm county east of the Mississippi River. It has annual gross sales of agricultural products of \$700 million, and receives an additional \$250 million from tourists who appreciate the beauty of traditional small farm landscapes (D'Souza and Ikerd, 1996).

52. If we turn toward the Third World we find similar a similar situation. On the one hand there is the devastation caused by land concentration and the industrialization of agriculture, while on the other we find local benefits to be derived from a small farm economy in one case, created by 'land reform from below.'

53. Leite at al. (2004) describe how local town benefit from the commerce that is generated when estates belonging to absentee landlords are turned into productive family and cooperative farming enterprise through land reform driven from below. A study of one such municipality, Julho de Castilhos, found that while the MST settlement possessed only 0.7% of the land, it's members paid 5% of the taxes, making the settlement into the municipality's second largest rural tax payer (MST, 2001).

54. It is clear that local and regional economic development can benefit from a small farm economy, as can the life and prosperity of rural towns. But what of national economic development? History has shown us that a relatively equitable, small farmer based rural economy provides the basis for strong national economic development. This "farmer road to development" is part of the reason why, for example, the United States early on in its history developed more rapidly and evenly than did Latin America, with its inequitable land distribution characterized by huge haciendas and plantations interspersed with poverty stricken subsistence farmers (de Janvry, 1981). In the early decades of the United States, independent "yeoman" farmers formed a vibrant domestic market for manufactured products from urban areas, including farm implements, clothing and other necessities. This domestic demand fueled economic growth in the urban areas, and the combination gave rise to broad based growth (Sachs, 1987).

55. The post war experiences of Japan, South Korea and Taiwan in the capitalist world, and China, Cuba and more recently, Vietnam, in the socialist world, also demonstrate how equitable land distribution fuels economic development. At the end of the Second World War, circumstances, including devastation and foreign occupation, conspired to create the conditions for 'radical' land reforms in the former countries while revolutions did the same in the latter breaking the economic stranglehold of the landholding class over rural economic life. Combined with trade protection to keep farm prices high, and targeted investment in rural areas, farm families rapidly achieved a high level of purchasing power, which guaranteed domestic markets for fledgling industries (Rosset, 1999; Lappé et al., 1998; Sachs, 1987; IFAD, 2001).

56. The post war economic 'miracles' of the three capitalist countries were each fueled at the start by internal markets centered in rural areas, long before the advent of the much heralded 'export orientation' policies which much later on pushed those industries to compete in the global economy. This was a real triumph for 'bubble up' economics, in which re distribution of productive assets to the poorest strata of society created the economic basis for rapid, relatively inclusive development. While this analysis in no way is meant to suggest that all policies pursued by these countries were positive, or should be blindly replicated, their experience does stand in stark contrast to the failure of 'trickle down' economics to achieve much of anything in the same

time period in areas of U.S. dominance, such as much of Latin America (Sachs, 1987). More generally, there is now a growing consensus among mainstream development economists, long called for by many in civil society, that inequality in asset distribution impedes economic growth (Solimano, 2000).

57. A key distinction that Sobhan (1993) makes is between 'transformative' agrarian reforms and others. In most redistributive reforms those who actually receive land are at least nominally better off than those who remain landless (unless and until policies inimical to small farm agriculture lead them to lose their land once again). However, certain agrarian reforms have been the key step in allowing entire nations to change development tracks. In these cases countries have 'jumped' from the excluding, downward spiral into poverty and environmental degradation, to the upward spiral of broad based improvements in living standards producing strong internal markets, which in turn lead to more dynamic and inclusive economic development the Japans, South Koreas, Chinas, Taiwans, and others. Sobhan shows by comparative analysis what the transformative reforms, those that led to real social transitions, had in common. In brief, the majority of the landless and land poor benefited, the majority of the arable land was affected, the stranglehold of entrenched power structures over rural life and economy was broken, and favorable, enabling economic policies were in place. A key feature of the more successful reforms is that farm families were seen as key actors to be mobilized in national economic development whereas in failed reforms they have typical been seen as indigents in need of charitable assistance.

Land reform and the environment

58. The benefits of small farm economies extend beyond the merely economic sphere. Whereas large, industrial style farms impose a scorched earth mentality on resource management no trees, no wildlife, endless monocultures small farmers can be very effective stewards of natural resources and the soil. To begin with, small farmers utilize a broad array of resources and have a vested interest in their sustainability. At the same time, their farming systems are diverse, incorporating and preserving significant functional biodiversity within the farm. By preserving biodiversity, open space and trees, and by reducing land degradation, small farms provide valuable ecosystem services to the larger society.

59. In the United States, small farmers devote 17% of their area to woodlands, compared to only 5% on large farms. Small farms maintain nearly twice as much of their land in "soil improving uses," including cover crops and green manures (D'Souza and Ikerd, 1996). In the Third World, peasant farmers show a tremendous ability to prevent and even reverse land degradation, including soil erosion (Templeton and Scherr, 1999). They can and/or do provide important services to society at large, including sustainable management of critical watersheds, thus preserving hydrological resources, and the in situ conservation and dynamic development and management of the basic crop and livestock genetic resources upon the which the future food security of humanity depends (Altieri et al., 1998).

60. Compared to the ecological wasteland of a modern export plantation, the small farm landscape contains a myriad of biodiversity. The forested areas from which wild foods, and leaf litter are extracted, the wood lot, the farm itself with intercropping, agroforestry, and large and small livestock, the fish pond, the backyard garden, allow for the preservation of hundreds if not thousands of wild and cultivated species. Simultaneously, the commitment of family members to maintaining soil fertility on the family farm means an active interest in long term sustainability not found on large farms owned by absentee investors. If we are truly concerned about rural ecosystems, then the preservation and promotion of small, family farm agriculture is a crucial step we must take.

61. The key point is that, when we look at agrarian reform and poverty, productivity, economic development, and the environment, it should be clear that it does not just benefit rural peoples. The call for agrarian reform in the context of food sovereignty is a call for reforms that will benefit all of society. But to insure that this is so, future agrarian reforms much take into cultural diversity in order to avoid mistakes of the past.

V. Cultural Diversity and Agrarian Reform

62. History has taught us that narrow notions of land redistribution, villagization, titling, demarcation, etc., and individual rights, can lead to disasters for indigenous people, for women, for nomadic pastoralists, for peoples with diverse use rights, etc., and can place different groups of poor people in conflict with one another. The first point to be made is that women must absolutely receive the same rights of tenure, access and participation in management as men (Monsalve, forthcoming). The second is that we can learn a lot from the perspectives of indigenous peoples on the use of the concept of *territory* instead of just *land*, on the need to balance collective with individual rights, and on the principles of autonomy and self determination. Agrarian reform must take into account rights to territory and self determination, as well as avoid excessive emphasis on individual rather than collective rights. The third point is that agrarian reform cannot just address the needs on one group, sedentary farmers, for example, at the expense of others, like nomadic pastoralists or indigenous peoples, as many cases in Africa have taught us. Rather, future agrarian reforms must find creative ways to balance the needs, rights and demands of diverse actors, including women, men and young people, indigenous peoples, farmers, pastoralists, forest dwellers, migrants, colonists on the agricultural frontier (who are generally peoples displaced from export zones), rural workers, fisherfolk, and others. In this section, we take a brief look at two of these cases, that of indigenous peoples, and that of West Africa.

Indigenous People: Territory, Collective Rights, Autonomy and Self Determination

63. In detailed contributions to this paper, Saúl Vicente (2006) and Jill K. Carino (2006) examine the perspectives of indigenous peoples on territory, collective rights, autonomy and self determination. They also lay out the basis for these in international law, especially Convention 169 of the International Labor Organization (ILO), the ICESCR, the UN Draft Declaration on the Rights of Indigenous Peoples, resolutions of the UN Human Rights Commissions, and other instruments. We place their complete papers at the disposition of the reader at:

<http://www.acciontierra.org/display.php?article=393>

<http://www.landaction.org/display.php?article=390>

64. While many analysts of land issues tend to treat land the way that farmers often see it as a productive resource indigenous peoples' tend see land as part of something greater, called territory. Territory includes the productive function of land, but also encompasses the concepts of homeland, culture, religion, spiritual sites, ancestors, the natural environment, other resources like water, forests, below ground minerals, etc. Agrarian reform directed at non indigenous farmers in many cases may reasonably seek to redistribute "any and all" arable land to the landless, irrespective of where the landless come from. For example, the Landless Workers' Movement (MST) of Brazil demands and occupies land all over the country, and the members of their land reform settlements sometimes come from states far away from the land they occupy. In contrast, indigenous peoples' movements do not demand just any land, but rather their land, and they want control over their land and territories. Thus, closely linked to the concept of territory, are the demands by organizations and movements of indigenous people for autonomy and self determination (Carino, 2006).

65. Indigenous peoples traditionally view the land with a spirituality and sacredness not always comprehensible to others. For indigenous peoples, land is not merely a productive resource, a habitat or a political boundary. The land is more than that. It is the basis for the indigenous peoples' social organization, economic system and cultural identifications (Vicente, 2006; Carino, 2006). Indigenous peoples view land as part of a wider territory or ancestral domain. The concept of territory or domain includes not only the productive function of land, but also the natural environment, water, forests, subsurface minerals, the air above, and other productive resources. At the same time, indigenous concepts of ancestral land encompass concepts of homeland, culture and religion. This is why indigenous peoples have long struggled, since time immemorial, to defend this precious resource and to protect and conserve it for future generations. It is the source of their livelihood, sustenance and survival, at the same time the essential element of their identity as distinct cultures and societies. Too often, this spiritual link between indigenous communities and their homelands is misunderstood and is frequently ignored in existing land related legislation and in many past agrarian reforms. (Stavnhagen, 2004). This broader concept of territory, in terms of the implied need for more comprehensive stewardship of land and other resources, and appreciation for the natural and cultural environment, is something from non indigenous people can learn a lot.

66. Many indigenous communities continue to practice traditional land use patterns ranging from individual, family or clan, to communal land use and ownership. For instance, among the indigenous peoples in the Cordillera region of the Philippines, it is common to find residential or home lots as individually owned, terraced rice paddies and tree lots as clan owned, and forest areas and pasturelands as communal property of the whole community or tribe. Boundaries of a community's territory are clearly delineated, usually by distinct markers such as streams, ridges, rocks, or other natural markers. Adjacent indigenous communities agree upon these boundaries, usually through an indigenous socio political system and network of peace pacts. Selling of land to outsiders is not practiced traditionally in order to maintain the integrity of the people's ancestral territory (Carino, 2006).

67. These concepts of collective rights and communal ownership are inherent in the self conception of indigenous peoples around the world. The right to the land is generally vested, not on the individual, but in the community, the tribe, the indigenous nation or ethno linguistic group. The land may be divided into plots, for productive purposes, and used individually or by a family. However, much of it, like forests and pastures, is classified for community use and the social and moral ownership belongs to the whole community (Stavnhagen 2004). The additional dimension to the concept of ancestral land, or land inherited from or passed on by the ancestors, is a historical attachment to a specific territory or homeland. Indigenous peoples are historically rooted in specific locations, their original homelands, the land of their ancestors. In many cases, ancestral lands constitute well defined geographical areas. Agrarian reform thus needs to address and consider these indigenous concepts of communal land ownership and collective land rights where they exist, and consider granting them where they do not.

68. The international legal instruments mentioned above substantiate the claims of indigenous peoples for autonomy and self determination within their territories (Vicente, 2006, provides a very detailed analysis of the legal framework). Indigenous have rights to self determination. and to own, control and manage their ancestral lands and territories, waters and other resources. Their lands and territories are at the core of existence – they say, “we are the land and the land is us; we have distinct spiritual and material relationship with our lands and territories and they are inextricably linked to our survival and to the preservation and further development of our knowledge systems and cultures, conservation and sustainable use of biodiversity and ecosystem management” (Carino, 2006).

69. The right to self determination includes the right to free prior and informed consent to all development plans affecting them. Free and prior informed consent is an emerging right and international standard as asserted by indigenous peoples. It refers to the consensus by members of indigenous peoples and local communities, to be determined in accordance with their customary laws and practices, free from any external manipulation, interference or coercion, and obtained after fully disclosing the intent and scope of the proposed development/project, in a process and language understandable to the concerned. Agrarian reform programs in indigenous territories need to incorporate the demand of indigenous peoples that they be consulted and that they give their free prior informed consent for any development project or intervention in their ancestral domains (Carino, 2006).

Lessons from West Africa

70. In a detailed contribution to this paper, the West African Network of Peasant and Agricultural Producers' Organizations (ROPPA, 2006) provide lessons on how ill conceived policies can pit different groups of the poor against one another. They show how land tenure and territorial situations differ from country to country, within countries, and even among different actors within the same area. On top of this underlying diversity, made more complicated by migration and by colonization of the agricultural frontier, are a series of often contradictory traditional and modern norms, laws and practices, as well as the intervention of new actors from the private sector, which combine to generate increasing insecurity of tenure, and conflict. In particular, traditional land rights practices have been weakened both by modern states and by the loss of legitimacy conferred by cases of corruption and land concentration by traditional leaders, while so called 'modern' norms are applied only partially, and are biased toward certain actors at the expense of others.

71. In areas still governed by traditional practices, peasant farmers are sometimes victims of land grabs by traditional leaders, while those leaders themselves can be victimized by private sector actors, and the states that serve them. The practices of States are notoriously biased, as in cases of land colonization and irrigation schemes, which on the one hand may displace indigenous peoples, while on the other still not give secure rights to poor settlers and colonists, while private sector companies are given every benefit and security of the law (ROPPA, 2006).

72. While women are given certain land rights under traditional practices, they are increasingly losing the access thus guaranteed them, as entire families find ever less land available to them due in part to the dynamics described above. Land titling typically excludes women from ownership, while women organized in peasant organizations are increasingly demanding equal land rights in terms of title or inheritance, and to land assigned by state led land reform or irrigation schemes (ROPPA, 2006).

73. The situation of conflicting norms and practices, the role of the private sector and of states, and the increase in migration driven by economic globalization and displacement, have exacerbated long standing conflicts and created new ones. Among these are conflicts between pastoralists and sedentary farmers, between settlers and colonists on the agricultural frontier and local, endogenous populations whose territories they are encroaching upon, and conflicts between farmers, pastoralists, colonists and settlers, on the one hand, with private sector companies on the other. These conflicts sometimes reach such large proportions that they threaten national security. Peasant organizations like ROPPA are calling for, and actively working to build, truly participatory conflict resolution processes that take into account, in a fair and balanced way, the needs, demands and rights of women and men, pastoralists, farmers, migrants, colonists and

endogenous or indigenous populations, all before and above the land grabs of traditional or modern elites, and the private sector. They call for a food sovereignty kind of model, with agrarian reforms, to reinforce a model of food production and agriculture that is based on peasant agriculture (ROPPA, 2006).

74. The case of West Africa is not isolated, as agrarian conflict driven by contradictory norms and state and private sector practices, is driving rural violence, repression and out migration worldwide. Future agrarian reform programs absolutely must find ways, based on the genuine participation of diverse rural peoples and their organizations, to balance their different needs, and to place the needs of people over those of elites and the private sector.

VI. Conclusions and Guidelines for the Future

75. Rather than following the World Bank's market based approach, policy makers and social movements should learn from the successes and failures of the post WW II period, from on going agrarian reforms, from the deteriorating situation that business as usual is generating in Africa and around the world, and from the demands and experiences of indigenous people and women.

76. We need an original and genuine, new agrarian reform, firmly backed by the right to adequate food, and based on the paradigm of food sovereignty with the supporting policies that implies.

77. A set of useful guideline for doing so might include the following (Rosset, 2001b):

- Severe inequality in landholdings like the latifundia/minifundia pattern in many parts of Latin America is inefficient, environmentally and socially destructive, immoral, and impedes broad based development. A range of perspectives and concerns from economic and social human rights, to economic growth all lead to the conclusion that we must once and for all eliminate the latifundia (Rosset, 2001a; Repartir a Terra, 2001; Ziegler, 2002).
- Internationally recognized legal instruments support calls for genuine agrarian reform, food sovereignty, and the rights to territory and self determination (Monsalve, 2006; Vicente, 2006, Carino, 2006).
- When families receive land they must not be saddled with heavy debt burdens. This can be accomplished by government expropriation of idle lands, with or without compensation for former owners (Sobhan, 1993; Borras, 2003b).
- Secure tenure and/or access rights are critical to ensuring long term food security for families and communities. Without such security and/or rights it is also difficult for families and communities to invest in land improvement, means of production, and/or conservation measures (Lastarria Cornhiel et al., 1998).
- Women must have the right to hold title to land. When titles are vested exclusively in male heads of household, domestic disputes or the premature death of a spouse inevitably lead to the destitution of women and children (Deere and Leon, 2001; Monsalve, forthcoming).
- The land distributed must be of good quality, rather than ecologically fragile soils which should never be farmed, and it must be free of disputed claims by other poor people (Rosset, 2001a).
- The rights of indigenous and other peoples to land, territory, forests, water and other common property resources must be guaranteed and protected, as must their right to manage them using customary law and tradition. Provision must be made for individual

and/or collective rights, depending on each socio cultural situation. No one recipe can be applied everywhere (Vicente, 2006; Carino, 2006; Hall, 1998; Stavenhagen, 2004). More generally, the needs, demands and rights of diverse rural peoples—women, men, youth, peasants, pastoralists, forest dwellers, fisherfolk, migrants, rural workers, and others—must be balanced through creative new agrarian reform policies (ROPPA, 2006).

- People need more than land if they are to be successful. There must also be a supportive policy environment and essential services like credit on reasonable terms, infrastructure, support for ecologically sound technologies, and access to markets and fair prices (Sobhan, 1993; Sachs, 1987; Adams, 2000; IFAD, 2001). Perhaps most critical is a step back from damaging free trade policies and dumping—which drive down farm prices and undercut the economic viability of farming—to be replaced by a food sovereignty perspective which places the highest priority on national production for national markets (World Forum on Food Sovereignty, 2001; Rosset, 2003).
- Truly transformative reforms will also require investment in rural areas to assure such basic services as schools, health clinics, potable water, and basic infrastructure (Sobhan, 1993).
- The power of rural elites to distort and capture policies, subsidies, and windfall profits in their favor must be effectively broken by the reforms (Sobhan, 1993).
- The vast majority of the rural poor must be beneficiaries of the reform process (Sobhan, 1993).
- Successful reforms are distinguished from failed ones by a motivation and perception that the new small family farms which are created are to be the centerpiece of economic development, as was the case in Japan, Taiwan, China, and Cuba. When land reform is seen as 'welfare' or as a charitable policy for the indigent, failure has been the inevitable result (Sobhan, 1993; Sachs, 1987; Rosset, 2001a).
- In today's conservative, neoliberal political environment, strong grassroots poor people's movements are critical to pushing the reform process, stopping government foot dragging and, when necessary, taking matters into their own hands. Land occupations are one of the most effective, proven methods of pressuring governments to act (Wolford, 2001; Langevin and Rosset, 1997; Barraclough, 1999; Wright and Wolford, 2003).

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