



2017

PEASANTS FIGHTING FOR JUSTICE

CASES OF VIOLATIONS OF PEASANTS' HUMAN RIGHTS

LA VIA CAMPESINA

GLOBALISE THE STRUGGLE
GLOBALISE HOPE

PEASANTS FIGHTING FOR JUSTICE

CASES OF VIOLATIONS OF PEASANTS' HUMAN RIGHTS



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INTRODUCTION

La Via Campesina is a global movement, emerging from the realities of peasant communities of the world.. Year after year and all around the world, peasants have been undermined by the advance and upsurge of companies and State's power and control of their most precious assets: land, water, seeds, biodiversity and nature.. There is an increase of despoilment, privatisation, and growing emphasis on the interests of industry and large-scale investments.

In the light of this situation, La Via Campesina, the global peasant movement advocates for a *UN Declaration on the Rights of Peasants and other People Working in Rural Areas*. Such a Declaration would enable us to sow the land that protects the lives and livelihood of farmers and improves their recognition as political subjects while granting them the right to use, manage and control natural resources.

Day after day, we walk the path of food sovereignty in our fields and in the global, regional, national and local spaces for governance. We build autonomy and power for women peasants and farmers who face a system that discriminates them in multiple ways and increases the violence towards their bodies and territories. We build rights: rights for peasant men and women, for those who carry out agricultural activities, for the landless, for those who graze and fish and for migrants and seasonal workers forced to work under conditions of extreme employment insecurity and often servitude.

This report is published alongside the People's Manual for Peasant Rights, which thoroughly reviews the fundamental elements of the Declaration and clarifies what the listed rights consist of, while providing a historical vision and strategic perspective for future work. Both documents represent a joint effort from organizations and the Working Collective on Peasant Rights of La Via Campesina and the International Secretariat. They are aimed at moving forward in recognizing these rights within our movement and with allies and society as a whole. This report citing several cases of rights violations, is the fourth in a similar thread of publications that came out in 2004, 2005 and 2006 with the goal of introducing the issue into the United Nations Human Rights Council.

This report comes from a premise that in order to build rights, we need to draw attention to the systematic violations and patterns of discrimination that make the largest collective in the world suffer most of the hunger and poverty. These cases have been compiled by the regions themselves in a unique effort to systematize the violations of the human rights of peasant men and women. Rights are built and also exercised. This is the reason why we call on the States to recognize these rights. We work with the United Nations to adopt a regulatory framework that promotes, protects and defends the rights of peasant men and women and other people working in rural areas. We must also strengthen the organizations' functioning in order to identify violations every day and learn about mechanisms that strengthen the defense of these rights.

The cases are based on the criteria that help organizations to work on the violations of peasant human rights. First of all, the political, economic and cultural context in which violations took place

or the struggle for rights with an analysis of the role played by capital allows organizations to determine the origin and causes of the cases of human rights violations.

Secondly, it reveals the impact of such violations on local communities and shows whether violations are frequent or isolated events, as well as whether victims are organized members of social movements. Third, we must know who violated these rights and to whom the struggle is addressed as well as the role played by institutions. This aspect reveals the legislative and political context and tells us whether these powers are absent as well as the level of justice we can expect from the courts.

Finally, the cases include proposals aimed at improving the respect for human rights as well as specific recommendations on how to carry out reparation work, including the role of States and the importance of a United Nations Declaration on Peasants' Rights.

More than 20 years after the massacre of El Dorado de Carajás, five years after the massacre in Curuguaty, a year after Brother Baek's death in South Korea, days after the peasant revolts in India, after centuries of despoilment and the seizure of Mother Africa, we continue our struggle! The *Declaration on the Rights of Peasants and other People Working in Rural Area* requires States to urgently adopt the Declaration. This will depend on our mobilizations and our pressure on States. We are not at the end of the process. We are taking giant steps but the path is as challenging as the field itself. We know that the fruits we reap will be the harvest of our struggles for peasant's dignity and life!

LA VIA CAMPESINA

CHAPTER 1

REPORTED VIOLATIONS FROM ASIA

Plantation Firm Forcefully Evicts Peasants In The Mekar Jaya Village Of North Sumatera, Indonesia

Peasants of Mekar Jaya village from North Sumatera, in Indonesia, were in for a rude shock on the 18th of November 2016. On that day, over a thousand police personnel descended on their village to carry out the forceful eviction of hundreds of peasant families who have been living in the region since 1952.

This inhuman act, the peasants argue, was carried out on behalf of a palm oil plantation firm *Perkuebanan Nusantara II LTD (PTPN II)*, which has an ongoing partnership with the Malaysian firm *Langkat Nusantara Kepong LTD (LNK)*.

LNK & PTPN II wanted these families evicted, and thereby gain control over 554 hectares of farmland for palm oil cultivation.



Scenes from Mekar Jaya Village where with the help of police personnel several peasant houses were razed down to favour a plantation firm

The attack was a frontal assault on the rights of peasants to their land and territory, on which they have been living and cultivating for over six decades. Victims of the attack testified that 30 units of heavy equipment were deployed to raze down houses and destroy crops. Four houses and nearly 400 hectares of cultivated land was destroyed in this brutal action.



Member of Serikat Petani Indonesia, the Indonesian peasants' union, staging a protest

Peasants of Mekar Jaya carry out traditional forms of agriculture in the region that focuses on multiple crops at different times of the year and relying on wisdom passed on from early generations. They grow food crops, fruits and harvest wood for their local needs. The eviction resulted in the destruction of 138 ha of rubber crops, 3 ha of vegetables, 2 ha of banana, 1 ha of *Jengkol*, 3 ha of *Galangal*, 2 ha of cocoa, 2 ha of pepper, 150 coconut trees, Sengon and 7,000 teak trees.

The State is hand-in-glove with plantation firms and is pushing large-scale monoculture production at the cost of a thriving local economy.

The peasants in the region are also members of Serikat Petani Indonesia [*SPI, the Indonesian Peasants Union*] since 2003. In September 2016, peasant members of SPI had sought a meeting at the National Land Agency in North Sumatera Province's regional office for a peaceful settlement to the land dispute. However, the request was declined and they were forced to conduct a meeting at the local police office.

After continued protests, on the 23rd of November 2016 a representative staff of the Presidential Office (KSP) visited the area and ordered suspension of the eviction exercise. Roads to Mekar Jaya village, earlier closed, were reopened. Mediation between peasants and officials of the firm took place in presence of the KSP representative and accompanied by Chief of *Commission A of North Sumatera Parliament*. Officials of the National Land Agency (BPN) and District administration also joined the meeting, in which it was agreed that eviction efforts would be suspended and electricity connections be restored for the residents. However, the calm did not last long.

Two weeks later, on the 10th of December (ironically the International Day of Human Rights!), fifteen units of heavy equipment escorted by 50 police personnel entered the region and razed down crops. To this day, peasants in the region are continuing their struggle in defence of their land and for their rights to access justice.



The police invaded the settlement fully armed and intimidated the residents who were resisting the eviction

A set of demands have been submitted to the President of Indonesia, in which they call for an end to all forms of violence, intimidation and eviction. The peasants have demanded the restoration of basic facilities such as wells and electricity – all of which were damaged during eviction attempts. Other sets of demands include; reaching out to families who were attacked and continue to be in trauma, assuring the people of the region their ownership and control of land, defending their right to cultivate on their fields, providing compensation for lost livelihoods, dissolving the partnership between PTPN II and LNK, and punishing those involved in the brutal attack on peasant families.

Struggle For '*Bagair Hukum*' (Without Permission) Land In Karnataka, India

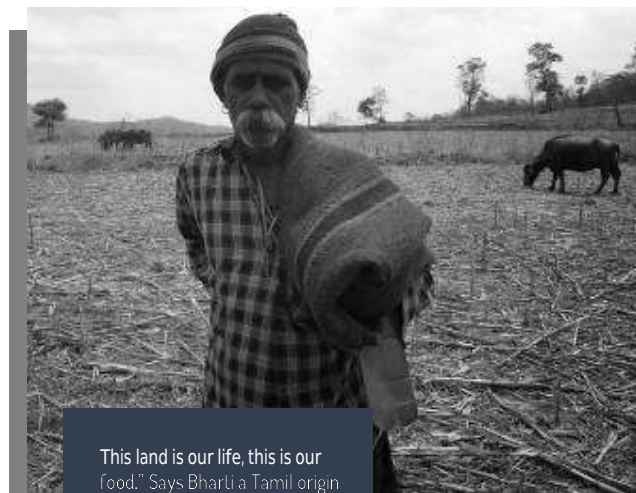
Shimoga is a quiet district in the southern Indian state of Karnataka.

It is a gateway to the hilly region of Western Ghats, known for its plentiful rains and lush greenery. In its foothills lie the villages of Badanehaalu, Bandigudda, Belligere, and Udaynagara, home to several hundred small and marginal farming families and pastoralists.

Vishwesharaiya Iron and Steel Limited (VISL) is an iron-ore mining firm that was set up in the region as early as 1923. In the 1940s, many landless families from Central Karnataka migrated to Shimoga district in search of livelihood.

Over time, families from neighbouring states of Tamil Nadu, Maharashtra and Kerala also migrated to Shimoga, incentivised by available lands and the prospect of working in the VISL Bandigudda mines. However, the migrant workers did not earn enough to feed their families. Thus, they also began farming by planting millets and *jollah*, a crop system which mainly provided fodder for cattle. To this date, the families in the region and their livestock depend heavily on these lands for their food and fodder. In the dry seasons, the local pastoralists grazed animals here as well. Small and landless farmers grew food crops and lived out the connection between animal and land, amidst a valley full of commercial cultivation.

In those early years, while the migrant families were finding their feet and were gradually settling down in the region, an agreement to transfer land and to change the land-use policy was coming to form between the Princely state of Mysore and the British colonial administration of the time. The Princely administration, which at one time owned most of the land in the region, transferred its ownership to the British – and the British in turn categorised what was earlier considered as multi-purpose land, under the Forest and Revenue Departments. Even after India gained her independence, these categorisations continued.



This land is our life, this is our food." Says Bharli a Tamil origin landless farmer

“When we first began cultivating in the forest, no one came here. The mines would give [the government] revenue, mine workers were therefore indispensable and so no one would say anything to us,” reflects Nanjamma, an elderly woman in the community.

The company was kept afloat through cheap contract labour and the Forest Department was allegedly paid off by mine owners. Neither had any reason to trouble the local people.

WORKERS’ STRIKE FOR FAIR WAGES AND THE ENTRY OF A PLANTATION FIRM

However, things changed when the workers started demanding permanent employee status. They formed unions and went on strike as the miners refused to abide by an order of the Supreme Court, which allowed for such a provision. In response, the mine owners cancelled their contracts and mechanized the mines. Over time, the revenue from the mines declined, so did the pay-offs to the Forest Department officials. Meanwhile the migrant families, laid off from mining work, were ever more dependent on the lands that they were cultivating. It is at this point that the dispute over ownership of the land began and officials started harassing the villagers.

In 1972, the Forest Department allowed the *Nilgiri Plantation Group* – a private firm, to take over large tracts of these lands to plant their trees. The villagers protested, and 15 members were jailed. Ever since, tussles with the Forest Department and brutality have been a constant. Pastoral communities suffer as much as the farming communities. The Forest Department has kept Gawli communities (pastoralists) in tent cities outside of the villages and has banned grazing, a right protected in the Forest Rights Act.

Historically, across India, lower caste Dalit¹ families have had no access or been robbed of their lands. Meanwhile, upper caste families were the landowners. Despite legislations such as *Land to the Tiller Act* and the *Land Ceiling Act*, upper caste families exploit loopholes and remain on top. Many lower caste families have no land or only have access to infertile, unproductive land.

In order to survive, Dalit families began to cultivate government lands that are categorised as forest or revenue lands. However, since they have no official permission to work on these lands, they are considered *Bagair Hukum (without permission)* cultivators, and their ties to their lands are threatened time and again.



K.T. Gangadhar at the site of dispute in Shimoga, while taking part in a protest in May 2016

1 Historically oppressed castes in India who were and continues to be treated as untouchables

In Shimoga, the state government has refused to legalise *Bagair Hukum* lands. The forest department, bureaucrats, and corporates have consolidated their power under a banner of “green-washing”.

In late 1993, The Forest Department began the Joint Forest Planning Management program (JFPM) in which they set up Village Forest Committees (VFCs) that consisted of equal numbers of local community members and forest officials. Many villagers point out that VFCs are made up of people who are bought off by the Forest Department and do not represent the views of the community. While JFPM is a program to ensure that the poorest of the poor would receive dry firewood and wet bamboo as well as loans to purchase their animals, villagers allege that it is dominated by the interests of the Forest Department and is used to create divisions and spread misinformation based on the needs of the moment.

In March 2013, The Forest Department deployed bulldozers to dig trenches, clear fields and remove all signs of cultivation. The villagers resisted, especially the women. Scores of women confronted the bulldozers and marched up to the demolition site.

When asked what motivated her to go fight the machines, one woman said: “Seeing our farms being cleared, I had an image of poison running through the bodies of my children!” As soon as violence broke out, the men in their families joined the agitation too.

According to one woman involved: “We were taken to the police station, and since we knew *Karnataka Rajya Raitha Sangha* (KRRS - Karnataka State Farmers' Union), they came along with us. A KRRS leader asked us why we wanted the land. And we responded 'Our life is run on this land. The *ragi*, maize that we grow...we can't live without them. We want these lands!' So, the KRRS leader told us that if we wanted our lands, we should all go to jail willingly to show them! That's when we went to jail.”

In the end 87 people were taken to jail. Some like the Tamil speaking goat-herder Bharti suffered serious injuries during the agitation and spent several days in the hospital.

WHAT DOES THE FUTURE LOOK LIKE?

In 2014, the court cases slapped on 87 people were dismissed, and the village level administration gave permission to the families to cultivate, but fears about the plantation firm's return looms large.

“The lands we cultivate upon are not forest lands. These are revenue grasslands! The Forest Department has no proof or certificate to say these lands belong to them,” informs Manju who presented official document from the Tehsildar²'s office as evidence. The records showed that these lands were categorized as revenue lands and were even up for bidding. Some villagers also presented documents that prove their grants to these lands. It is a lose-lose situation. As one villager puts it, “Even if we have documents, the amount of compensation that the government would issue cannot buy us a house, or food, or provide for our children's education! The value of our land is much more than what they claim.”

2 A **tehsildar** is a tax Officer accompanied with Revenue inspectors. They are in charge of obtaining taxes from a tehsil with regard to Land Revenue. A Tahsildar also known as Executive Magistrate of the tehsil concerned.

Yet there is resilience, reason, and strength in some voices, from those who have fought before and will fight again.

Two local villagers, Rammegowda and Nagegowda, work every day to look after a plot of sugar cane owned by MPM Paper factory. "In Haihodde, many politicians own large plots of 100 acres of Forest Land. Even MPM paper factory and VISL own a total of 31,000 acres in Bhadravati area. But the Forest Department comes only after poor people, and leave the rich alone," says Rammegowda.

"Only if the Forest Department takes over the lands of the rich, will we give up ours. We are now ready to die. If the Forest Department comes back for our lands, we will fight till our death," shouts a confident Ratnamma.

FURTHER READING:

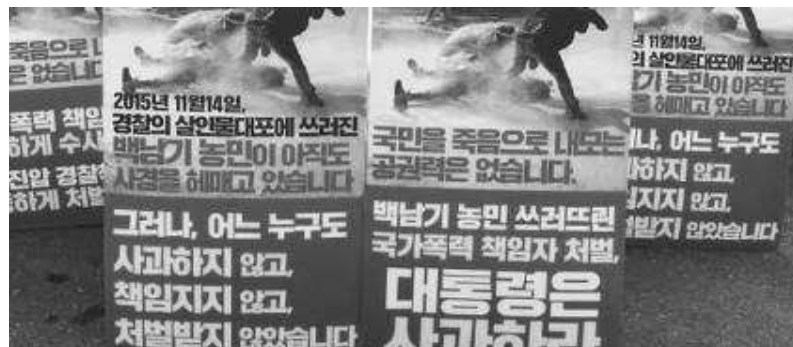


- <http://www.thehindu.com/news/national/karnataka/bagair-hukum-applications-will-be-cleared-in-three-months-kagodu/article18210808.ece>
- <http://www.thehindu.com/news/national/karnataka/bagair-hukum-land-regularisation-process-may-get-twoyear-extension/article6258708.ece>

Remembering Brother Baek And The Struggle Of South Korean Peasants Against Cheap Imports

The open-door policy in agriculture practices in South Korea since the 1980's – which led to food-dumping and cheap imports - coupled with the inability of its governments to provide adequate price supports to the country's small farmers have devastated the South Korean countryside.

In May 2008, things reached a tipping point when thousands of rural workers and farmers mobilised to protest cheap imports of beef from the United States. Ever since, the struggle to force governments to create protectionists measures to safeguard the interest of local communities and peasants has continued. In November 2015, nearly 70,000 people including small farmers, workers and civic groups gathered in Seoul, agitating against the government's warped policies around agriculture, labour and education.



Posters protesting the attack on Brother Baek, while he was still lying in coma in the hospital bed. He passed away on 25 September 2016

Baek Namgi, a 69-year-old rice farmer from South Jeolla province in South Korea, was one among the farmer leaders who were present at the protest site.

THE PROTESTING FARMERS HAD A LIST OF DEMANDS THAT INCLUDED;

- (i) Stopping the import of cooked rice and the segregation of low price imported rice (TRQ);

- (ii) Stopping the ratification of Free Trade Agreements in the National Assembly;
- (iii) Opposing the TPP trade deal;
- (iv) Securing rice prices in a way to send rice to North Korea and to implement farm exchange between South and North Korea;
- (v) Resignation of the Minister of Agriculture who was allegedly promoting cheap imports of rice from United States;
- (vi) Settling of farm debts;
- (vii) Securing the legal status of farmers who are women and establish an exclusive department to deal with their concerns;
- (vii) Stop the entry of GM crops;

The protest, while remaining peaceful, was gathering steam. Baek Nam-gi and other leaders were at the forefront of the people's rally, unrelenting to leave until their demands were met. Soon, in an unwarranted act of brutal force, the police moved in to crack down on the protesters and attacked them with water cannons mixed with capsaicin. Baek Namgi was brutally hit in his head by a jet spray and he immediately fell unconscious. Video footages available³ from the night show that the police continued to fire the water cannon, even as people around him were rushing in to help an unconscious Baek Namgi. He would remain in a state of coma for the next 316 days in a hospital bed.

On the 25th of September 2016, Brother Baek, as he was fondly referred to, passed away.

In his report⁴, Maina Kai, the UN *Special Rapporteur on the rights to freedom of peaceful assembly and of association* wrote, *"Water cannons can inflict great bodily harm, as the case of Mr. Baek Namgi tragically illustrates. Many other peaceful participants told of water cannons being used against them with no apparent justification, and inflicting injuries."* After the hospital announced his death, hundreds of supporters gathered, even as police officers were being deployed in large numbers outside the hospital fearing anti-government protests.



Minjuwha Baek, daughter of Baek Nam-gi at the UN Human Rights Council, explaining the facts of the case

Right after Brother Baek died, the police requested a warrant to conduct an autopsy on his body, citing that the cause of his death was "unclear" and "disputed." Even though the court rejected the application, the police kept trying to get a warrant, which was beyond being disrespectful of the deceased was also an attempt to manipulate the cause of his death. His funeral was held 37 days after his death. **In her speech at the United Nations Human Rights council in Geneva, Ms. Minjuwha, daughter of Brother Baek, broke down while giving an account of the incident in which she lost her father,** "No apology, No investigation, No justice. The South Korean government promised a thorough investigation. For seven months, all they did was summoning my sister once. If you hit someone who is not attacking you, you should apologize and do everything to fix it. Every human being knows this."

³ <https://vimeo.com/148324340>

⁴ <https://viacampesina.org/en/index.php/news-from-the-regions-mainmenu-29/2081-full-text-minjuwha-baek-s-speech-at-the-un-human-rights-council>

Private Financial Firms Threaten To Undermine Self-Financing Initiatives Of Rural Peasant Women In South India

Karnataka, a state in Southern India, has been declared drought ridden for 11 of the past 16 years and there is still no comprehensive drought management policy in place that can take effect immediately and address rural distress.

139 out of 176 *taluks*⁵ have been declared as being under severe drought this year (2017). Rural Karnataka is in deep distress, with farmers and farm workers suffering massive crop losses and being unable to repay loans taken for agricultural purposes. For peasant women, drought presents a double whammy. Women make up a majority of the agricultural workforce in India and yet their identity as a farmer or farmworker remains unrecognised and their labour remains largely invisible. Land ownership among women is dismally low, affecting their access to institutional and public credit systems. In a predominantly patriarchal system, peasant women are left to bear the double burdens of managing the family and the farm.

It is in this context that self-help groups (SHG) came about as an alternative to address the problems faced by peasant women. A *Self-Help Group* is a group of 10-20 women, usually very poor and from the same neighbourhood, who know each other and therefore come together. They save money regularly (weekly, fortnightly, monthly) and these pooled savings become their source of credit.

The idea got a boost when it was scaled up by the Government of Karnataka, in 2000-2001, under a State run initiative called "*Stree Shakti*" (*Women's Power!*). The stated objective of the program was to improve the financial conditions for rural women by enabling them to gain more control over their lives through access to credit. It was also aimed at imparting trainings on skills that could create livelihoods and building a community based support and monitoring system that ensured compliance.

The *SHGs* were linked to nationalised or public sector banks. This system enabled women to take more control over their lives, guaranteed financial independence while simultaneously fostering a sense of community, thus providing an impetus to rural economies and helping curb migration to cities. As Farida, a peasant woman says, "what used to be individual savings earlier, in one's own kitchen, became a community's saving". As of 2012⁶, *Stree Shakthi* group members had saved Rs. 1118.05 crores (11 Billion Indian Rupees) since inception. 120,155 *SHGs* availed bank loans to the extent of Rs.1305.97 crores and have done internal lending of Rs. 3215.88 crores to take up various income generating activities.

ENTRY OF PRIVATE FINANCIAL FIRMS

Over the past decade, these *SHGs* have been approached by 'private financial firms' offering them better access to credit services if they banked with them. Their attractive offers - coupled with the lack of access to government schemes of credit for women - enabled the easy transition from nationalised banks to private ones.

5 It is the ultimate executive agency for land records and related administrative matters. The chief official is called the tahsildar or, less officially, the talukdar or taluka muktiarkar or Tehsildar. **Taluk** or Tehsil can be said sub districts in Indian context.

6 http://dwcdkar.gov.in/index.php?option=com_content&view=article&id=260%3Astree&catid=224%3Aflash&lang=en

One of the biggest players in the field the *Shri Kshethra Dharmasthala Rural Development Project* is associated with a temple, which enabled it to quickly build trust among rural populations.

Having now moved their savings, these women have been accessing credit for various reasons which include agricultural investments such as expenditure on seeds and fertilizers, educational needs, and health costs at private hospitals. Over the past few years of successive droughts, the SHGs are under strain and are unable to repay their loans. The failure of crops, lack of compensation for damaged crops, lack of a drought-management policy, absent or unsettled claims of insurance cover for – all point at a systemic neglect of the agrarian crisis, making it impossible for the women's groups to recover and repay.

Since 2016, conditions have only worsened and private firms have been harassing peasant women in a variety of ways to recover their money. These tactics include turning up at odd hours in the night, verbally abusing women in front of others, pressurizing all the women from the SHG, locking up their houses, and so forth. In a society that is patriarchal and conservative, these tactics put women under extreme distress. Suicides by peasant women and women farmers⁷ are now increasingly reported from rural Karnataka and several reports suggest the inability to repay loans⁸ as a triggering factor.

PRIVATE FIRMS OPERATING IN THE REGION

There are nearly 23 officially registered micro finance companies in Haveri district of the State of Karnataka and some of them are as follows:

1. Shri Kshethra Dharmasthala Rural Development Project
2. Gramshakti, Fullerton India
3. Grameen Koota Financial Services Pvt Ltd
4. Spandana Sphoorty Financial Limited ('SSFL')
5. Bharat Financial Inclusion Ltd (formerly SKS Microfinance Ltd)
6. Navchetana Microfin services pvt ltd
7. Belstar Investment and Finance Private Limited (BIFPL) from Hand in Hand
8. L&T Financial services
9. Equitas Microfinance/ Equitas Holdings Limited
10. Muthoot Fincorp Mahila Mitra

Legally – these micro finance companies come under the Central Bank's (RBI) fair practices code⁹ wherein they are not allowed to use coercive methods in loan collection and cannot engage in harassment. Staff from these organisations are mandated to engage with defaulters in a non-coercive way. Although such a code is in place, very often women are unable to reach out to concerned authorities due to several cultural and social barriers. In December 2016, *Karnataka Rajya Raitha Sangha - KRRS* (a member of LVC) carried out a campaign to demand a complete waiver of loans taken by farmers including the SHGs. This was a demand that was articulated especially within the context of drought and other extreme climatic events. While the tenure over which loans must be repaid has been extended owing to campaign pressure, small-farmers in the region say that it doesn't really mean much.

7 <http://ncrb.nic.in/StatPublications/ADSI/ADSI2014/chapter-2A%20farmer%20suicides.pdf>

8 <http://www.livemint.com/Politics/PuC1BjFKhoSiNh1NrhPueP/Pressure-to-pay-loans-seen-as-among-reasons-for-farmer-suici.html>

9 <https://rbi.org.in/scripts/NotificationUser.aspx?Id=7866>

On 9th March 2017, the women's wing of KRRS took out a protest rally in *Haveri* region and blocked roads. They demanded an end to harassments by the agents of the micro finance companies; asked for access to credit from public banks at 0% interest; and called for information dissemination about government schemes; apart from demanding access to such schemes; and an increase in funds made available to SHGs via nationalized banks.

On 7th April 2017, the women's wing met with the Deputy Collector, *Haveri*. Later, in a joint meeting with the women's group and the representatives of the private firms, the Deputy Collector ordered micro finance companies to carry out their tasks as per the fair practices code and warned against any form of harassments. All financial organisations have been asked to put on hold collection of loans till January 2018. It is a significant decision that provides interim relief to affected families.

However, the role played by private financial firms in rural credit schemes calls for much deeper introspection and action. An international instrument in the form of a UN Declaration can play a crucial role in defending the rights of peasants.

This is an edited version of a report submitted by Rashmi Munikempanna from KRRS, with additional inputs from Faridabanu, Manjula Akki, Guttyamma, Sharada – all members of KRRS women's wing in Haveri.

Amendments Proposed To Sri Lanka's Seed Laws Threaten Biodiversity And Peasants' Rights

The Government of Sri Lanka's proposed amendments to the existing Seed Law is threatening to take away all the safeguards which protected traditional seed varieties and will lead to massive criminalization of the country's farmers. Scientists, environmental organisations and farmers' organisations have pointed out that if these amendments come into practice, it would benefit multinational seed companies to lay control over sale, preservation, exchange and breeding of seeds, which in effect would be a death knell for biodiversity.

COMPULSORY REGISTRATION AND CERTIFICATION

Among the proposed amendments are plans to enforce compulsory registration of farmers and certification of all seed and planting materials in Sri Lanka by a Seed Certification Service under the Department of Agriculture. The 'Director in Charge' of the subject will be the Director General Agriculture and shall exercise the exclusive right to certify seeds and planting materials. The Department will maintain and publish a list of producers and suppliers of 'certified seed and planting materials.'

The draconian new law provides authority for officials to raid farmers' premises to ensure compliance with its requirements. It says that no person shall "import, export, sell, offer to sell, dispose in any manner or supply or exchange with commercial intention seeds and planting materials except in accordance with the provisions of this Act".

Reacting to these developments, Chinthaka Rajapaksa from the Movement for National Land and Agricultural Reform (MONLAR) says; “The existing Seeds Act of 2003 provides adequate laws to safeguards the farmer community to prevent illegal import and export of seeds, and protect indigenous paddy varieties. The existing Seeds Act gives ample protection to safeguard the farmers. Under the proposed laws, the agriculture ministry attempts to give powers to multinational seed companies to exercise a monopoly on the production of all seeds, paving the way for patents and the establishment of monoculture. Proposed amendments are ambiguous and suggest they will safeguard and conserve the genetic resources of indigenous seed and planting materials. But once these new laws are brought in, they will do just the opposite”.

A COMMITTEE FOR FARMERS HAS NO FARMER MEMBERS IN IT!

Farmers are demanding that they should be exempted from all restrictions placed by commercial entities and the seed industry. The ‘Technical and Advisory Committee’, to be set up under the new Act, has no representative from the farming community nor any biodiversity expert to ensure the conservation of genetic diversity.

Rajapaksa adds, “There is a plan to set up a ‘Seed and Planting Material Advisory Council’, which will coordinate public sector agencies towards the development of the private sector seeds and planting material industry. Private and Public partnership means public subsidies for private profits. The public system will provide genetic material, research, extension. The private sector will take the intellectual property rights and walk away with super profits”.



PROPOSED AMENDMENTS WILL LEAD TO CRIMINALISATION OF FARMERS!

Under the draft Act, the Director-General, the Director in Charge of the subject, the Registrar, the Assistant Registrars and the authorized officers, shall be considered police officers who discharge the powers under the provisions of the Code of Criminal Procedures. Any person guilty of an offence under this Act shall be liable for conviction before a Magistrate after summary trial and sentenced imprisonment of not less than one month and not exceeding six months, or to a fine not less than 50,000 rupees, or both.

On the successive occasion, the penalty shall be doubled via cancellation of registration for five years, and on the third occasion, the penalty shall be threefold with cancellation of registration and blacklisting, and measures shall be taken to publish it in all three languages in national newspapers.

Under the new Seed Act multinational agrochemical fertilizer companies, too, are to be benefited because hybrid seeds are ‘made’ in factories using poisonous fertilizers and chemicals.

"This is the cause of deadly kidney disease in the country and all our attempts to encourage paddy farmers to grow traditional paddy that does not need any pesticides or agrochemical fertilizers will be affected under the new regulations as these traditional seeds will not be allowed in the future. Instead, our farmers will have to grow hybrid seeds that need pesticides and chemical fertilizers to grow. Instead of finding a solution to the spreading kidney disease, the government is 'promoting' it", said Rajapaksa.

CHAPTER 2

REPORTED VIOLATIONS FROM AFRICA AND THE MIDDLE EAST

Increased Erosion Of Farmers' Seed And Land Rights: Mozambique And Tanzania Cases

The last decade has seen an increase in the erosion farmers' seed and land rights in Africa, particularly in the Sub-Saharan region. This started during what some researchers¹⁰ call "the third wave of land dispossessions" which coincided with the global food crisis (food riots in some African countries), the G8 New Alliance for Food Security and Nutrition in Africa (NAFSN), and second green revolution or Alliance for Green Revolution in Africa (AGRA). While the uproar created by civil society and social movements ensured that large scale land grab and the massive displacements it caused was not going unnoticed, an equally sinister – yet not as visible – reform was also taking place to take control of seeds through the Common Markets for Eastern and Southern Africa (COMESA) and Southern Africa Development Community (SADC). Complicity of governments involved and the limited consultations with and participation by smallholder farmers, ensured that the reform of Seed Acts – and policies to align them to the *International Union for the Protection of New Varieties of Plants* (UPOV) 1991 to promote big seed industries – was being pushed through silently. With active support from Western governments, countries like Mozambique and Tanzania got ebbed into this plan that was clearly serving the interests of big agribusiness corporations - aimed at *earning royalties from intellectual property and unfettered entry and movement of commercial seeds*.

These two countries, unlike other African governments, designated large swathes of lands as agricultural growth corridors to promote their economic development by attracting foreign investments into the sector. The corridors, namely the Beira Agricultural Growth Corridor in Mozambique and the Southern Agricultural Growth Corridor of Tanzania (SAGCOT), created under the G8 NAFSN, involved a complex mix of actors from the big food and agribusiness corporations and philanthropic institutions backed by their governments, working in cahoots with a variety of state institutions of recipient governments. They negotiated with the recipient government (which sometimes they financed!), to reform the seed and land legislation, and to allow for increased market access by improved seeds and other agro-inputs such as the synthetic fertiliser market. Export production was also a priority for corporations involved in biofuels, food and beverages. Big corporations including SABMiller, a UK-based company, Nestle, Diageo, Unilever, Syngenta, Yara International, Dupont, Cargill, Monsanto, etc. were involved. The involvement and influence of the various Western development arms of governments such as UK's Department for International Development (DFID), USAID, and Norway's Norfund is unprecedented.

10 <https://books.google.co.in/books?id=8N9iDgAAQBAJ&printsec=frontcover#v=onepage&q&f=false>

They work through and with a complex network of organisations such as AgDevCo - a London based company, AGRA, The Bill and Melinda Gates Foundation, and the World Bank. These institutions have created NGOs, sometimes funding them, to further the gospel of the Green Revolution through wider farmer outreach programs and by creating an extensive network of agro-dealers who are tasked with bringing the green revolution technologies at the doorstep of rural farming community. They also worked with local seed research institutions to advance the spread of improved seeds which require agro-chemicals for maximum yields.



Peasant women and men working in the fields in Mozambique - Photo by Nick Pajet/La Via Campesina

The media coverage of such agricultural investments either in Mozambique or Tanzania has been largely to encourage, not critique. Most media praised these agricultural growth corridors and the improved seed flows as opportunities for attracting foreign investment, which they perceived as prospects for growth of their economies. Their audience is mainly the urban population which seeks wage employment. Hence they tend to vilify most forms of resistance by the affected communities as anti-development.

However, a few media outlets have reported¹¹ on the plight of affected farmers most of whom rely on Civil Society Organisations, NGOs and farmer organisations (MVIWATA, Eastern and Southern Africa Farmers' Forum (ESAFF), Tanzania Organic Farming Movement (TOAM) in the case of Tanzania, UNAC, ADECRU and

World March of Women

(in Mozambique) to voice their struggles against these initiatives that violate their rights to seeds, land, and sustainable livelihoods. Because of this long chain of getting publicity and the little consultations with the smallholder farmers and their various associations, media coverage of this issue has been very limited, particularly the transgression of rights in remote places. Where their outcry has been loud enough, consultations are done at the last minute and do

not fully capture farmers concerns and issues. Again, most consultations are selective and done with community leaders who sometimes do not fully represent farmers' interests. Similarly, the media's poor coverage of farmers' struggles which are sometimes perceived as "anti-development" reinforces limited awareness and knowledge across society.



The relationship between government and the civil society organisations and social movements perceived to be against the state, is increasingly strained to limiting bottom-up (participatory and inclusive) feedback critical in helping policy formulation that addresses such inequities.

11 <http://www.bbc.com/news/world-africa-17099348>

LAND

In Mozambique and Tanzania, the land ownership rights of smallholder farmers are the most violated visibly. Smallholder farmers are displaced to make way for large scale agricultural investments. **In Tanzania**, for instance, the government aims to transfer 17.9% of village land into the general land category to facilitate commercial development in SAGCOT. This is being done through formalisation of property rights which legitimises state-sponsored, donor- and investor-driven land grabbing. Over 80,000 ha of land are now under the new land deals. **In Mozambique, the government** has provided large tracts of fertile land to companies under the land-use right known as DUAT¹², without following due procedures and through opaque methods leading to large scale displacement and loss of livelihood for rural communities. This is in addition to other massive industrial projects such as the Prosavanna project where over 14 million hectares of land has been earmarked, contract farming projects in Nampula Province and several other documented cases¹³ in other provinces, like the one about Portucel, (365000 ha concession in Manica and Zambezia), and that of energy firms (Vale and Gindall in coal mining in Tete province¹⁴; Kenmare, in heavy sands, Nampula Province) – all of which leading to massive rural dispossession of land and livelihoods. Most farmers' struggles are directed against their governments which lead and enforce the violation of their rights to create room for foreign investments. The various government institutions under the ministries of lands, commerce and agriculture, backed by reformed legislations, lead the violation of farmers' rights. This has made it difficult for the farmers to resort to legal recourse in the courts of justice.



A local market in Mozambique – photo by Douglas Mansur/ La Via Campesina

SEEDS

The government of Tanzania, one of the 19 ARIPO member countries, has aligned its seed regulations and policies with UPOV 1991. Disguised as an action to protect farmers from the distribution of spoilt seeds, a recent law determines prison time for any seed company or distributors caught selling uncertified seed. This policy aims to discourage them from selling seeds which do not meet the standardized attributes.

Measures of this nature are being manipulated to promote the activities of large-scale seed industries, setting the stage for the capture of the national seed value chains. More worryingly, Tanzania is setting the pace for other reforms of this nature in the region. This will inexorably have a negative effect on small-scale farming, limiting the rights of smallholder farmers to choose what to grow, a key aspect of strengthening their culture and community ties, and of guaranteeing their own prosperity. There is also an emerging conflict around issues of land use shifts. For instance, in Tanzania some areas have been designed to grow only improved rice varieties. This means that

12 There is no private ownership of land in Mozambique. Land and its associated resources are the property of the State. The Land Law, however, grants private persons the right to use and benefit from the land known as Direito do Uso e Aproveitamento da Terra (DUAT).

13 <http://www.farmlandgrab.org/uploads/attachment/Amandla49.50lemons.pdf>

14 <https://www.hrw.org/report/2013/05/23/what-house-without-food/mozambiques-coal-mining-boom-and-resettlements>

farmers who are not willing are forced to either relocate or comply with the regulations infringing on their right to choose what to grow.

THE URGENT NEED FOR A UNIVERSAL DECLARATION

Mobilising a collective struggle involving all the rural farmers against these repressive legislations is affected by geography, limited financial resources and limited information (lack of requisite communication and technology infrastructure). Most rural farmers reside in remote areas which are not readily accessible. It is only through farmers' organisations such as MVIWATA and UNAC, among others, that they are able to voice their demands to their governments.

However, the affected farmers have few options available at their disposal to fight for their land and seed rights exploiting, at times, policy inconsistencies which are not in line with their comprehensive constitutions. They can use the constitutions together with existing international legal instruments to protect their interests.

The financial capacity is however limited to embark on length and extensive legal challenges in the courts. Other less costly alternatives exist such as engaging and lobbying governments to recognise and protect their rights using international covenants. In the case for seeds, they could fight or lobby for a sui-generis seed legislation using the International Treaty on Plant Genetic Resources for Food and Agriculture also known as Seed Treaty (ITPGRFA) and the UN Convention on Biological Diversity (CBD).

For instance, Article 9 of the Seed Treaty affirms that no laws should limit any rights that farmers have to save, use, exchange and sell farm-saved seed or propagating material. The FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forests and Fisheries and the Responsible Agricultural Investments could be used to enforce their rights. The proposed UN Declaration will strengthen the existing legal instruments, which are inadequate on peasant-specific rights and where implementation is weak.

Burkina Faso: How State And Private Firms Wrecked The Lives Of Small-Scale Cotton Producers

In the 1990s, the wind of structural adjustment programs (SAPs), and SAPAs in the agriculture sector, was blowing strong. Privatisation was in favour. In Burkina, the government took it upon itself to organize the countryside, particularly the cotton producers, because they were the only organized sector that regularly generated foreign currency.

THE GUISE OF A UNION

In 1998, with the support of the CFD party, the government created the *Union Nationale des Producteurs de Coton du Burkina* (UNPCB, National Union of Cotton Growers) in which the peasants were engaged, convinced that this would now protect them against the injustices they suffered at the hands of SOFITEX agents (a cotton company).



Four production seasons were enough to convince the peasants that instead of defending their interests, the system they had joined was a trap in which their peers who oversaw their activities had become militias that terrorized and silenced them, stole their goods and in doing so, enriched themselves at the peasants' expense.

The criminal acts started during the 1997-98 campaign.

The government had neglected to act against a serious incident that hit tomato producers: fields were infested with white flies that caused problems for the producers and Savana, the processing plant they supplied. Knowing full well that this problem would spread to other crops, particularly cotton, the company decided that year, for the first time in the history of cotton production, to provide producers with a pesticide devoid of any active agent. The peasants subsequently had a disastrous harvest. In the following years, the cost of inputs, including the fake pesticide, was deducted from the cotton growers' income. This 97–98 crop season marked the beginning of the peasants' descent into hell.

In 2000, the peasants faced another issue. They had only three years, 1999, 2000 and 2001, to reimburse the debts incurred in the disastrous 97–98. On January 20th, 2000, at a meeting between our union and the senior management of the cotton company, we were informed of two very alarming things:

- "The company is owed 5 billion francs CFA and has decided to recover the full amount". This meant that the company would retain two thirds of whatever remained of the peasant's sale of cotton after paying the loan for the purchase of the current year's inputs. In other words, after delivering their cotton, the peasants would return home empty-handed;
- "Very soon, foreigners will arrive here who can produce cotton on thousands of hectares. All those cotton growers you defend will become day labourers hired by these foreigners".

The then Minister of Agriculture confirmed this and specified that small farmers would get jobs on these large farms.

The peasant members of the union figured that the acts of vandalism had been committed in order to discourage the growers and push them to quit farming in favour of the company.

The acts of sabotage continued and in the 2003-04 season the producers did not harvest the cotton which was either carried away by rainwater run-off or simply its quality was very low.

The deathblow happened in the 2004-05 season:

- The company supplied the peasants with rotten seeds from the previous season that rotted because of the rains. The cotton growers' seedlings failed;
- The fake peasant organization, a militia that terrorized the peasants, had for some time claimed the task of distributing fertilizers to the peasants for the production of corn. But in fact, the fertilizer they were distributing was fruit tree fertilizer obtained in a neighbouring country where armed conflicts had paralysed agriculture in the countryside. In Burkina, this fertilizer was repackaged in bags bearing the UNPCB logo and a chemical formula label that identified it as an adequate corn fertilizer.

The results were catastrophic: a failed cotton harvest and a failed corn harvest. In addition to the corn growers, the fake fertilizer also harmed the vegetable growers throughout the country.

In 2008, GM cotton was introduced in the country without any safeguards after completing tests that were purposefully flawed. Its impact was closer to that of a biological weapon of destruction than of an agricultural development tool. As a result, herds were decimated to the great misfortune of cattle raisers, impoverished cotton growers were forced to quit because of their debts. No study was carried out to assess the effects on animal or human health.

FERTILE LAND FOR FERTILE LAND!

Land is allocated to investors without considering the future of peasants for whom agriculture is in no way a picnic, but rather an essential activity for their existence. Also, in order to ensure their survival, any peasant who is displaced should necessarily be relocated on land that is just as fertile as the land that was taken from him or her and the beneficiary should have the obligation of funding the relocation until the peasants' activities have resumed in full.

The current struggle is focused on the recognition that peasants are full citizens with the following rights:

- Right to own property and enjoy the fruits of their labour and their belongings;
- Freedom to choose what they sow and to act according to their interests;
- Right to be worthily represented in the major decision-making bodies. The peasant organizations created by the State and its partners do not represent the interests of peasants anywhere;
- Protection of their goods against vandalism, swindling and land-grabbing.

EVERYONE IS HAND IN GLOVE!

Burkina has had a political system in which whoever controlled the top had all the reins of power. The SYNTAP union (*Syndicat national des travailleurs de l'Agro-Pastoral*) had the fertilizer analysed and then filed a complaint against the UNPCB, but law enforcement has not yet reacted. No notice

has been sent to the SYNTAP regarding its complaint. That gives you a good idea of the judicial system's degree of independence.

Here are a list of institutions that are allegedly involved in violation of rights of peasants:

- DAGRIS, a holding company of the French State used to win the cooperation of African governments;
- Monsanto, a U.S.-based seed company that works closely with its government;
- *Agence Nationale de Biosécurité* (national biosecurity agency) that misleads the peasants and facilitates Monsanto's every action;
- SOFITEX, a Burkina cotton company;
- INERA, a Burkina environmental and agricultural research institute;
- Peasant organizations: the *Confédération Paysanne du Faso* CPF supports the government's projects and programs;
- The UNPCB (*Union Nationale des Producteurs de Coton*), the body that uses terror to gag the cotton producers.

Here are some of the examples of everyday violations that small scale cotton producers are facing:

- Whimsical downgrading of cotton that doesn't take into account any technical criteria. The cotton's high grade is later restored after the growers received payment at the downgraded price;
- Cotton held hostage. Growers have to pay for the removal of their cotton, even though company regulations don't allow this;
- Fires harm or kill women and children with no reporting nor indemnity even though insurance premiums are paid;
- Countless families are victims in this way since other production sectors are also subjected to some of these actions.

NEED FOR A UN DECLARATION ON PEASANTS' RIGHTS

The UN Declaration on the rights of peasants is a tool that will revolutionise the minds of peasants. But in order to meet our expectations, it will also require an information and awareness-raising method for the grassroots. At our meetings to find solutions to pending problems, we are often told: "what you are saying is true, but it just so happens that this is not for us, the peasants. They have the power and they are the law".

When I criticized a few herders for not speaking up about the disease decimating their herd, I got the same answer: "It is better to keep quiet and limit one's misfortune to losses. Complaining would attract us other problems".

Now they will know this time that they have rights and that the governments are forced to address their issues.

Small-Scale Fishers In South Africa Struggling For Survival As The Government Pushes For Permits And Corporate Investments

Small-scale fishers in South Africa have been done a raw deal in the country since 2005, when the South African Government started to implement the Marine Living Resource Act (MLRA) of 1998.

Before that, the oceans for small-scale fishers had been open. With the new legislation, all those involved in fishing were required to apply for fishing permits. In the past, only recreational fishers were required to apply at the South African Post Office for recreational fishing permits, big corporate fishing businesses and other smaller fishing companies applied for fishing quotas, and small fishers were free to catch fish to provide for their livelihoods. But all this changed in 2005, when the MLRA of 1998 got implemented.



Members of Coastal Links protesting outside the Parliament building – Photo by Ashraf Hendricks/ Daily Maverick

The MLRA allowed for the awarding of long-term fishing rights for up to fifteen years which, once awarded – in many instances to lawyers, doctors, teachers and other professionals, the politically connected, and people from inland provinces – meant many fishers all of a sudden discovered that they could not launch their boats to go out and earn a living.

This was a huge travesty of justice for fishers from the Western Cape (WC), Northern Cape (NC), Eastern Cape (EC) and KwaZulu Natal (KZN), as their livelihoods now came under serious attack, and subsequently many fishers were jailed, fined, their boats and fishing gear impounded, as fishers discovered that it would be much better to defy the unjust law, than to succumb to hunger and drive their families into the stage of destitution.

After the dawn of democracy in 1994, fishers also became more and more aware of their rights and soon started to organise themselves, especially in the Western Cape. Fisher community organisations soon started to be established in small towns all over the Western Cape.

By 2000, these small fisher community organisations decided to come together and in Langebaan they formally launched the organisation, 'Coastal Links', which would later become Coastal Links South Africa (CLSA).

Coastal Links started to make links with fishers in the Northern Cape, and in 2007, Coastal Links connected with fishers from KZN and the EC through the National Summit that was organised by the Department of Environmental Affairs and Tourism (DEAT), the department at the time that was responsible for fisheries.

After this first initial contact, Masifundise and Coastal Links set up a national footprint programme which worked towards the establishment of Coastal Links South Africa (CLSA), which was launched in 2012.

Through Coastal Links and Masifundise Development Trust, the fishers instructed the Legal Resources Centre (LRC) to act on their behalf, and decided to take the government to court. The main argument of the fishers was that they have been fishing for generations, it is in many instances a tradition and custom they are carrying forward, left behind as a heritage by their forebears. Never in the past did they have to apply for the right to fish and the application process was way beyond the means and capabilities of the fishers, many of whom live in poverty and who by circumstances had to curtail their education in order to contribute to the livelihood needs of their families.

In order for fishers to have qualified for fishing rights under the MLRA, they had to fill in complicated application forms and supply documents they did not know how to access, that being one of the main reasons why so many professional people were given fishing rights under the MLRA. Fishers also did not have at their disposal vast sums of money to pay lawyers and professional people to help them with the application process, as so many big companies generally do. Many fishers did not even have the inclination, or understood the implications of not applying for fishing rights under the MLRA as the authority responsible for allocating the rights did not make an effort to engage the fishing communities in this regard. Fishers also staged massive protests against their exclusion from the fishing industry, and notably the most significant was when some of the fishers decided to chain themselves to the gates of Parliament to symbolically show how the MLRA have turned them into slaves.

The Equality Court finally made a ruling in 2007 and instructed the Government to develop a Small-Scale Fisheries Policy for the small-scale fishers of South Africa. In the meantime, the government was to implement an Interim Relief (IR) system for the fishers. The IR system is basically a basket of fishing resources given to different fishing communities, which in most cases consist of crayfish and handling fish. In some communities it would also be specific to what is available in the oceans around the communities. For instance, Langebaan will also get a net fish permit, since that is how the community have been fishing over the centuries.

The IR system also came with its problems, and was only supposed to have been in place for two years – it has now been in place for more than 10. Many fishers are still excluded from having fishing rights as the IR can only accommodate a certain amount of fishers and, on top of that, fishers from KZN and the EC are totally excluded from the IR. In some cases whole communities in the Western Cape are excluded, Melkhoutfontein being a case in point.

It is also alleged that there has been political interference in the IR system and that corruption in its implementation is rife. People who in the past have never been fishers were put on the lists of communities to benefit from the IR and the allocation of a high-value specie like crayfish as part of IR has also opened up the IR to corruption, where the marketers enter to get their hands of the crayfish of the communities. They seem to not want to leave any stone unturned in order to access the crayfish of the fishing communities and sell it on the lucrative international market.

Over the years, CLSA has consolidated itself, contributed towards writing of the small-scale fisheries policy, and anxiously awaited on the government to implement the policy. Somehow the process got bogged down within the bureaucracy of the state, and by 2014, the South African Parliament managed to pass an amendment to the MLRA which allowed for the implementation of the policy. Eventually, in 2016, the President of South Africa signed the proclamation to implement the small-scale fisheries policy (SSFP), and in all earnest the Department of Agriculture, Forestry and Fisheries started with the implementation process of the policy.

Fishers started to be registered in the Northern Cape, and the last province, KZN was registered by August 2016, and a Provisional List of Small-Scale Fishers was published by DAFF. Each province had their deadlines by which to appeal against the published provisional list.

Appeals had to be lodged by individual fishers whose names did not appear on the provisional list, the Northern Cape completed their appeals in October 2016, the Western Cape in December 2016, the Eastern Cape's appeals were supposed to have been completed by January 2017 and KZN by February 2017. However, the EC only completed their appeals by April and the state of the appeals in KZN are still unclear.

At this stage, the next steps are unclear and fishers are not certain what is happening going forward. They are now considering different options to push the department into action.

The Israeli Occupation Is Choking Palestine's Farmers

Agriculture is an important cultural tradition in Palestine, dating back thousands of years. Farming families have been a main part of the Palestinian community for centuries, where they are not only a source of income and food but also a great source of pride and a means of struggle for all Palestinians. After the initial Israeli occupation of 85% of Palestinian lands, and the forcing of its control over 62% of agricultural lands located in the West Bank's area "C" - an area rich in agricultural history and production, recognized as an integral part of Palestine by the Oslo II Accord – Palestinian lands are now occupied by hundreds of thousands of Israelis settlers.



Photo by GIJC.org

These settlements, a blatant violation of international law, prevent Palestinian farmers from accessing their principal agricultural asset – land, soil, territory. Moreover, the Israeli occupation controls over 85% of water resources which they divert away from Palestinian lands, leaving farmers dependent on rainwater, which, due to increasingly unpredictable weather and the seasons, is not a reliable source of irrigation. Furthermore, the restriction of access that the Israeli authorities impose over farmers' movement through checkpoints, borders, as well as the settlers' overexploitation activities create further pressure on Palestinian farmers. In addition, the

establishment of the separation wall throughout the West Bank that confiscated more than 47,000 dunom of Palestinian lands and isolated thousands of families from their livelihoods has multiplied the sufferings of these farmers.

On February 8th, 2017, elderly Palestinian farmer Suleiman Hammad was killed by an Israeli settler in occupied Palestine. While walking to his farm in southern Bethlehem, Hammad was brutally murdered by an unnamed settler who sped up and ran over him, as he crossed the 60 bypass road near Al-Khader. Not the first of such murders, Hammad is one more victim of Israel's ongoing and illegal occupation of Palestinian lands and a culture of impunity¹⁵ that reigns within its Zionist settlements. The death of Suleiman Hammad¹⁶, and the destruction of rural livelihoods across Palestine, are part of Israel's systemic expansion of illegal settlements – combined with a dangerous culture of violence and impunity amongst settlers – that seeks to displace Palestinians from their lands in the West Bank and East Jerusalem. The number of illegal settlements has escalated to reach 247 in July 2015, inhabited by some 750,000 settlers. The establishment and expansion of these settlements has had a devastating effect on Palestinian living conditions, represented by the loss of their main source of incomes and properties, restrictions on access to services, and a range of threats and physical attacks by Israeli settlers exemplified by the death of Suleiman, the dumping of wastewater onto Palestinian villages, farmlands and agricultural lands, and the constant uprooting and burning of trees and Palestinian properties by settlers, in addition to the burning of people alive as was done to the Dawabshih family in July 2015. The Israeli army's and settlers' violations are combined with the Israeli companies' dominance of Palestinian markets, where they fill them with Israeli products,

LA VIA CAMPESINA STATEMENT IN SOLIDARITY WITH THE PALESTINE ACTIVIST WHO WAS PREVENTED FROM TRAVELING TO EL SALVADOR

The International Women's Articulation of La Via Campesina, gathered in San Salvador, El Salvador, with the participation of women representatives from the Americas, Europe, Africa and North Africa, hereby issues the following statement following the unfair decision of the Israeli forces to prevent comrade Meriam Ismael from leaving Palestine, thus depriving her of her natural and legal right to travel freely to San Salvador, El Salvador, in order to participate in the International meeting of La Via Campesina's Women's Articulation.

We:

Denounce this unfair and abusive decision which violates the freedom of mobility and the right to travel guaranteed by all the international human rights conventions and covenants.

Denounce the continuing attempts to prevent Palestinian women and farmers' voices from being heard.

Condemn the Israeli occupation of Palestine and the policy of settlements targeting Palestinian Lands and all the continuous injustice and cruelty committed by the Israeli forces against the Palestinian people.

Support the struggles of the Palestinian people for sovereignty and independence and express our full solidarity with all the Palestinian farmers and peasants whose lands are confiscated and olive trees uprooted and crops spoiled by the Israeli army and Zionist settlers.

The Women's Articulation of La Via Campesina reiterates the importance of uniting women in the struggle for food sovereignty and a change in the system. We consider it necessary, important and enriching to include the voices of Palestinian peasant women alongside our own.

15 <http://www.daysofpalestine.com/news/israeli-jewish-settler-kills-81-year-old-palestinian>

16 <https://www.maannews.com/Content.aspx?id=775373>

imposing restrictions on movements and exportation of Palestinian farmers to limit their ability to access the local, national, and international markets.

A HARVEST OF LOSS EVERY YEAR!

Hundreds of thousands of Palestinians farmers – men, women, children, the elderly – have had their lands stolen and are forced to witness the over-exploitation of their territories by settlers on a daily basis. The Israeli occupation is perhaps the greatest and most flagrant violation of international law in modern history, and the peasant farmers of Palestine are the first to suffer its consequences each season, each harvest, each day and night. The Palestinian farmer is not allowed to use her own land, her own water resources, his or her agricultural roads to access the land. Our traditional rights, our knowledge, our history of food production for the people of Palestine and the rest of the world, are violated constantly by the illegal and immoral Israeli occupation.

LITTLE RESPECT FOR INTERNATIONAL RESOLUTIONS AND CONVENTIONS!

The Israeli occupation is the main cause of human and peasant rights violations suffered by the Palestinian people and our peasant farmers. This has been the case since the occupation of Palestine in 1948, and the people, peasants, and youth of Palestine will continue to struggle for a free and just Palestine no matter what the cost or consequence.

Palestine's civil society organizations and social movements, including La Vía Campesina member organization the Union of Agricultural Work Committees (UAWC), as well as the Palestinian government, have repeatedly tried to stop and prevent Israel's violation of Palestinian rights, in this case by ending settlements expansion over Palestinian lands.

Below are two specific examples of Israel's violation and disregard of our rights as people and peasants:

- Dated August, 1949, the declaration of forbids an occupier from transferring its own civilians into the territory it occupies;
- On December 2015, the UN General Assembly reaffirmed in its resolution 70/89 the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, are illegal and direct violation of the International Law.
- On 23, December, 2016, the United Nations Security Council adopted Resolution 2334, considering the Israeli settlements flagrant violation of International law, calling for urgent freezing of the Israeli settlements.

NEED FOR A UNIVERSAL DECLARATION

While the Israeli occupation does not respect international law, our rights as people and peasants exist nonetheless. The violation of Human Rights is a crime, and Israel must be held accountable for its violent and illegal occupation of our lands, our labour, our territories and our natural resources. A UN Declaration on the Rights of Peasants and Other People Working in Rural Areas is an urgent necessity as our people, organizations, and government continue to struggle for a Palestine in which food sovereignty and the right to live in peace become our new reality. Justice for Suleiman Hammad, and all Palestinians, will only come with an end to the Israeli occupation. Our struggles in Palestine, together with international solidarity, will continue to take us down the road of peace and human rights.

CHAPTER 3

REPORTED VIOLATIONS FROM EUROPE

Falling Agricultural Income In The Autonomous Community Of The Basque Country (CAE)

The morphology of the rural areas of the CAE and the small distances to the urban area results in an agricultural activity based on high quality products and a trade being very close to those consuming the products, which is currently at risk.

On the one hand, while **local sale** is still considered by the peasant sector one of its major sales channels, factors such as the privatisation of management, the disparate conditions of access to them not connected with the needs of the industry and the supervisory approach, are hindering the full potential they have at multiple levels instead of facilitating the participatory governance that has always characterised these spaces. This particularly affects women who traditionally play a leading role in local sales.



On the other hand, the handcrafted processing of the product is important for the agricultural and livestock sector as it adds value to the product, and for women in particular, it is an important economic strategy, as it is historically a female practice. However, **hygienic sanitary regulations** are governed by the needs of the agricultural industry from the global to the more local scale, and the Spanish State has not applied the more flexible EU rules adapted to small producers. However, the CAE is currently in the process of adapting the regulations to the requirements of these small-scale productions.

Official data show that **agricultural income** in the CAE has fallen by 45% since 1985, the same as the earned income per unit. On the other hand, most of the agricultural and livestock production

in the CAE is inserted into a family model that obtains its level of income from various sources, including productive and reproductive work, which are not considered in the official data.

The existence of **hidden income** based on the free labour of women sustaining the peasant, agribusiness and global economy, as recognised by various human rights instruments from ¹⁷ which we can only find data in those studies in which the gender and/or feminist perspective is a sine qua non condition for analysing reality from a truly inclusive point of view. In the CAE, intensification of the agricultural world has not only brought about a decline in agricultural labour, but also changes in the design and distribution of the work connected with agricultural practice that has strengthened the discrimination of women in the sector. The lack of social services in rural areas of the CAE exacerbates this situation overburdening women and anchoring them in their homes.

Among the official factors behind the decrease in income, we found the increased **costs** within the farms to the extent that what the agricultural sector consumes to perform its activity is coming closer to what it gets from it. Changes in **tax regulations** in the agricultural sector means extra costs for the already adjusted agrarian economies, as it trying to match them to those of the other sectors regardless of the specific characteristics of the sector. Again, these changes will have worse consequences for women who generally rely on smaller and more informal agricultural activities. However, the decisive factor explaining the decline in farm incomes which is usually made invisible by the official arguments is that the peasantry has no control over the price of their products. As in the rest of the world, rural people in the CAE have no **control over the prices** of their products, and may go as far as not covering production costs, but in the CAE, there are no Price Observatories connected with the agricultural sector or with consumers, or tables for negotiation planned to involve them. Although from the EU, when the **Common Agricultural Policy (CAP)** was created it assured remunerative prices for the agricultural sector through market control measures, its commitments to the WTO and its FTA have resulted in the replacement of these policies with aids systems to compensate for the decline in prices, less and less linked to the productive activity. In addition, the Spanish State has not established mechanisms to ensure the allocation of aid to those who actually perform an agricultural activity, neither has it considered the specific needs of youngsters and women; instead huge PAC amounts are sent to large companies. On the other hand, the way in which the government's **National Competition Commission** construes European competition rules, prohibits the association of people in the agricultural sector to negotiate and determines the prices of their products, considering this near business cartels. In this sense, the state **regulatory framework** has evolved positively to improve the functioning of the food chain, but lacks a practical application at the state level and at the level of the CAE.

To escape these trends, in CAE production people, consumers and socially aware local authorities have put up initiatives often condemned to illegality that provide routes for the journey to follow for pricing fairly and transparently through tools such as double food labelling, public procurement or local markets and the social market. However, we must bear in mind that Free Trade Agreements (especially the TTIP) will intensify jeopardising the peasant sector by empowering companies to the detriment of the Administrations and the peasantry. This will reduce their right to income and decent livelihoods due to various factors, such as having to compete with products

17 Including General Comment No. 16 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) of 1979, the Universal Declaration of Emerging Human Rights (UDEHR) of 2007, and the new advanced version of the draft Declaration of the United Nations on the rights of peasants and other persons working in rural areas, of 2015.

from the United States with lower health control and with companies with stronger economies of scale that will have protection systems separate from the States; the risk of privatisation of the already precarious social services which are likely to be held by women within households, etc.

Report About The Criminalisation Of The Andalusian Workers Union (abbreviated S.A.T.) And The Case Of Leader Andrés Bódalo

Recent structural adjustment measures including budget cuts and market deregulation in Spain and all of Europe have pushed organisations to clamour for their rights and to demand that governments fulfil their obligations. The members of the Andalusian Workers Union (SAT per its Spanish acronym) have been discriminated against and have seen their right to freedom of peaceful assembly infringed upon. In recent years they have been systematically criminalised and have suffered reprisals.

Since its origins, the SAT has been characterised by organizing peaceful non-violent protests and yet it is being criminalised and facing repression, prison sentences, and economic sanctions in a disproportionate manner that is clearly intended to silence the voices of Andalusian workers. Attempts to criminalise the movement are starkly evident in the case of Andrés Bódalo, a leader of farm workers in the Andalusian region, who was sentenced on March 30th, 2016 for the crime of an offense against a Councilman of the Jódar city government in the context of a 2012 peaceful protest in support of labour rights for rural and day labourers in Spain.

It is pertinent to mention that the inappropriate use of national law to criminalize human rights defenders is contrary to international law and that the due process to protect the minimum guarantees that all people have to guarantee a fair result is established in article 14 of the International Covenant on Civil and Political Rights and in articles 10 and 11 of the Universal Declaration of Human Rights.

Andrés Bódalo Pastrana is currently in the *Jaén – 2* Prison (Spain) sentenced by the Provincial Court to three and a half years of prison and is facing a 1,800 € fine for incidents in the town of Jódar (Jaén) in 2012. Numerous political complaints have amassed in a judicial process that is replete with irregularities and grave bureaucratic mistakes in the functioning of the legal machinery surrounding Spain's Supreme Court, all of which were repairable to safeguard effective legal protection. Andrés Bódalo has been criminalised by a large portion of public opinion and by professional Spanish politicians, while suffering a legal process plagued by incoherences and insufficient incriminatory evidence.

SAT AND ITS HISTORIC STRUGGLE FOR THE RIGHTS OF RURAL, MIGRANT, AND DAY LABORERS IN ANDALUSIA'S COUNTRYSIDE

The SAT was born in 2007 as a result of an alliance of various Andalusian unions, including the historic Farm Workers Union (S.O.C. per its acronym in Spanish), a union that has defended rural workers – especially the interests of landless day labourers in Andalusia. SOC was the first legal union in Andalusia after the Franco dictatorship. The SAT is well-known for its continuous protests as well as for its methods – land occupations for example – through which workers protest against land concentration in the hands of a few landowners, against speculation with resources, and against the repressive measures of successive Andalusian governments. One of their actions was the occupation of Somonte Farm in 2012, a 400-hectare property owned by the Andalusian

government that was intended for public auction. The farm is currently completely in production under the control of SAT members. In 2012 Las Turquillas Farm was also occupied, a 1200-hectare property under the control of the Spanish Ministry of Defence, most of which was uncultivated. The SAT has also engaged in actions to reclaim food and school materials. It has organized numerous marches and demonstrations. Repression statistics against SAT members during the eight marches organized in 2012 add up to 74 detained, 140 people pressed for charges, and 600,000 euros in fines.

The SAT is in the midst of a ferocious repressive campaign promoted by parts of the Spanish State. There are currently 654 members that are either under investigation, detained or fined; all prison sentences of open cases add up to 138 years and two months of prison time and the sum of fines adds up to 937,398.72€.

ANDRÉS BÓDALO

Andrés Bódalo has worked tirelessly in the countryside. He was a day labourer for most of his life and is a renowned veteran of agrarian union struggles demanding better working conditions, both in his town of Jódar and in the rest of Andalusia. He is currently 42 years old and has three children and a grandson that he takes care of. Bódalo was currently a councilman in Jaén's local government as a candidate for *Jaén in Common*, a position he could only hold for a few months before being sent to prison. He has been a militant member of SOC-SAT for more than 30 years. He also stands out for his work in the struggle to dignify Andalusia and to respect human rights.



JÓDAR, THE ANDALUSIAN COUNTRYSIDE, AND LABOR PRECARITY

Jódar is a municipality in the province of Jaén nestled in the Sierra Mágina region that has around 12,000 inhabitants. The vast majority of working-age people are agricultural labourers¹⁸ and do other seasonal work, such as: agrarian work both in the region and elsewhere for which they migrate temporally (to horticultural and fruit operations, grape harvests in France, etc.), jobs in the hospitality sector in the coastal zones of Andalusia and Catalonia in the summer time, construction jobs, etc. This is the precarious reality of labour in many rural areas of Andalusia, where land is concentrated in the hands of a few landowners who together control a surface of 4,181,873 hectares in 5980 farms. This amounts to 55.05% of all agrarian land in Andalusia, the total of which is 7,595,309 hectares. Eighty families (and their companies) take up 100 million € in support from the Common Agricultural Policy (CAP) destined to farm land with no production or employment creation demands to this day.

THE EVENTS IN JÓDAR, SEPTEMBER, 2012: During the second half of 2011, Jódar was in an acute crisis of unemployment, beyond the structural lack of work in the municipality. In order to eat, workers and their families made daily trips to collective soup kitchens. Despite house-to-house collection of food donations, the situation did not improve in 2012.

18 By "day laborer" we mean an agrarian worker that is landless, lacks a fixed contract, and does seasonal work (planting, maintenance, harvest, etc.) in farms.

On 12 September, 2012, in the midst of a series of mobilizations and acts of protest demanding employment opportunities, a group of day workers and unemployed staged a picket in the municipal offices. The lieutenant mayor attempted to cross the picket line with the support of the municipal police force. That is when a verbal confrontation began between the workers and the mayoral officer, Juan Ibarra, which led to the first of the charges against the "Jódar 18".¹⁹

FROM THE "JÓDAR 18" TO THE IMPRISONMENT OF ANDRÉS BÓDALO

As a result of these events, a legal case ensued at the Mixed Court 2 of Ubeda²⁰. The trial of the "Jódar 18" was held and Andrés Bódalo was sentenced to three and a half years of prison and a fine of 1,800 €. During the trial, the Provincial Audience Court failed to take into account the favourable testimony of the Civil Guard, as well as the video that showed the incident. All evidence in favour of Andrés was ignored, and he was convicted based on doubtful evidence, such as testimony by a County Counsellor and his brother-in-law, a police officer. Bódalo's history of participating in land occupations and actions in favour of land redistribution were used against him during the trial.

Efforts to appeal the sentence have been unsuccessful. The court prosecutor failed to file the appeal within the stipulated time set by the Supreme Court, which in turn decided not review the case. A new appeal has been presented, and officials of the high court have sat in hearings, but, the appeal is not yet being reviewed by the Supreme Court, due to earlier delay in filing it within the stipulated time. Subsequently, an appeal for Cassation has been presented and is currently awaiting resolution of the Constitutional Court. The supposed assault victim has not opposed a pardon, which is a fundamental requisite for it to be granted. In any case, without the right to a defence, without the right to fall upon the judicial institutions that oversee the law and without an effective judicial defence, Andrés Bódalo has been in prison since 30 March 2016. On 6 May 2016, the Provincial Court of Jaén released a report in favour of the concession of a partial pardon "for reasons of equity," proposing a reduction by half of the sentence. The Argentine Adolfo Pérez Esquivel, winner of the Nobel Peace Prize in 1980, has written to the President of the Government, Mariano Rajoy, and to the Minister of Justice, Rafael Catalá, seeking pardon for Andrés Bódalo on humanitarian reasons, adding that "social protest must not be criminalized."

Andrés Bódalo has received innumerable shows of support in the way of motions by local governments, thousands of signatures in petitions, mobilizations and the support of the Ombudsman Public Defender, in addition to the many international acts of solidarity by individuals and organizations all condemning the violation of human rights. Among the actions of solidarity was a hunger strike that 16 people undertook for 27 days in Madrid, so that the government would listen to the cries for justice in the case of Andrés Bódalo.

Demands:

- Insist upon the Spanish State that it grant pardon to the SAT leader, Mr. Andrés Bódalo and close the file on his case.
- Insist the Spanish State fulfil its international and national obligations to protect the rights of leaders and members of the Andalusian Labour Union who have recently suffered from criminalisation, persecution and aggression.
- Insist upon the Spanish State that it respect, promote and guarantee - in good faith and in accordance with the constitution - the labour rights of those affected, as well as the rights

19 This confrontation is purely verbal, as the videos clearly show.

20 The legal case abbreviated 22/2014 was opened by the Mixed Court Number 2 of Ubeda, then passed to the Second Section of the Provincial Audience of Jaen as the Abbreviated Case 288/2015.

to free expression, free assembly, freedom to meet as a labour union, to protest and to negotiate, for Mr. Bódalo as well as the entire Andalusian Labour Union.

- Organize a visiting mission in the Spanish State that allows investigation into the described situation through, among other actions, meetings with members of the Andalusian Labour Union (SAT) in which they may express their concerns about the climate of criminalisation and the violations of their human rights.

FURTHER READING:



- <http://www.publico.es/politica/entrevista-andres-bodalo-volver.html>

The article is an edited excerpt of the letter presented to Maina Kiai, United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association

Farmworkers Face Rampant Labour Law Violations In Switzerland

La Via Campesina considers women and men farmworkers people who work in the agricultural sector for payment in money or in kind (as contrasted with people whose income is derived from selling produce that is grown on their own land or on land that is rented or borrowed) – a very significant segment of the population that is engaged in agricultural production. Everywhere in the world, the part played by salaried farmworkers is tending to grow, and there is a corresponding decline in the role of small-scale peasants and farmers – mainly of those who are producing for their own subsistence. There are many reasons for this growth:

- Land grabbing and land takeovers by multinational corporations, governments, investment funds, and private individuals, all of whom are driving small producers off their land;
- The arrival on the agricultural scene of actors who are not directly involved in production but who are rather “managers” at the service of financial or political (for example, food production for the population of a “foreign” country) interests who expect to receive dividends on their investments;
- Wars and climate change that are sending millions of people into exile;
- Industrialisation and large-scale mechanisation of agriculture which call for an increasingly large labour force - mainly seasonal workers;
- Globalization and competition between production areas, which lead to downward pressure on the prices of produce and the wages of workers.

All of this is not new. It is part of a process that has been going on over the centuries, but which is now accelerating. There are very few countries with political policies that include, for example, important and essential support for peasant agriculture and/or land redistribution programmes!



Migrant workers in Switzerland, photo from Swissinfo.ch (SBV/USP)

Violations of basic human rights are multiple. In many countries, as in Switzerland, farmworkers are not covered by basic labour laws and regulations. Furthermore, the demand for a work force that is cheap and easily exploited, that is defined as "unskilled", leads almost automatically to the inferior treatment of farmworkers in many areas: housing health and safety protection; exposure to agricultural chemicals, noise, and dust; salaries; pensions and benefits; social recognition; racial discrimination, not to speak

of outright racism; trade union support. Since employment in agriculture is traditionally the first (although not the only) resort for migrants (often undocumented migrants) who are looking for work, this situation opens the door to multiple abuses!

Examples are legion: Southern Europe with its greenhouses and very large vegetable fields, with its population of exploited and insecure (African and European) migrant workers. Northern Europe with its workers from the formerly communist countries of Eastern Europe. North America and its agricultural production (in California and Texas and other states) with tens of thousands of Mexican and/or Central American day labourers. Central and South America with their banana, coffee, and sugar cane plantations and pesticide spraying.

With regard to the specific situation in Switzerland: deficient legislation (agricultural work is not regulated by the labour laws); working conditions that are all too often incompatible with Swiss standards (low salaries, workweeks extending well beyond the national average and that range, depending on the canton, from 45 to 66 hours); an almost complete lack of interest in improving these conditions on the part of the competent governmental bodies, and the lack of will to rectify them manifested by the major farmers' organisations. Many labour conflicts ought to be brought before the labour tribunals (Prud'hommes)!

L'Autre syndicat, a member organisation of La Via Campesina, has repeatedly **stated that the basic rights of women and men farmworkers are constantly violated and continue to demand a great deal more public attention should be focussed on this situation.**

(This is an edited version of the original case submitted by Philippe Sauvin, member of the ECVC Seasonal Migrants Working Group)

Land Deals In Germany – Companies Are The New Farmers

Economic grievances and a polity that fails to act in East Germany has led to several farmers and peasants losing their land to industries. Since the breakdown of GDR, thousands of hectares of state-owned land have been sold to industrial farms and investors, negatively affecting the rural peasant communities.

In 2016, the biggest agricultural company of Germany, KTG Agrar, also one of the biggest land owners in Germany, declared bankruptcy. Yet, the government showed no intent to return the huge tracts of land that was in possession of the company back to farmers and peasants. Instead, a reinsurance company and private foundation bought the land using loopholes in the existing law. The KTG-case shows that even in democracies of the Global North like Germany, farmers cannot access land because of a systematic failure of politics.

HISTORY OF LAND TRANSACTION IN EAST GERMANY

In the former socialist German Democratic Republic (GDR), huge agricultural land of the so-called “people owned farms” was state property. Huge operations worked on the land, independent peasants and farmers were rare at that time. After the breakdown of the GDR in the early nineties, questions were raised about how these state-owned lands would be used in United Germany. The government at that time decided to sell and lease the land. A public company BVVG was put in charge of managing the use of formerly state-owned agricultural land. BVVG had the task to lease or sell the land most profitable. By the end of 2009 BVVG sold 627,000 ha agricultural land.²¹ Despite, protests by peasant movements and young landless people for access to land, it was sold to agricultural enterprises and, by exploiting loopholes in the law, even to private investors. One of these companies was KTG Agrar: Until summer 2016 the company controlled 38,000 ha of which a huge share is in East Germany.



Because of the concentration of land in the hands of investors and companies the region witnessed depopulation in villages and a decline of infrastructure and disappearance of local culture in rural areas of Eastern Germany.

21 For further information see Roma Herre (2013): Land concentration, land grabbing and options for change in Germany, in: Land concentration, land grabbing and people's struggles in Europe, TNI 2013, https://www.tni.org/files/download/land_in_europe-jun2013.pdf

BANKRUPTCY OF KTG AGRAR:

In summer of 2016 KTG Agrar declared bankruptcy. For many years, the company had misused money of its investors and established a complex network of sub companies and reported exaggerated profits.. In autumn 2016 the liquidator of KTG started to sell the properties of KTG Agrar. KTGs possessions also included nearly hundred hectares of state-owned land which was leased to KTG by BVVG, the agency that was in charge of leasing and selling state-owned land.

The German LVC member AbL and the opposition green party in the German Parliament called the government to lease the land to peasants and landless to give them the chance to start farming. However the Government, displaying a complete lack of apathy and responsibility, put up the land for auction to investors. Ignoring the havoc such a decision could bring upon the rural economy of the East, the government made the mistake of giving away fertile land to private entities.

LEGAL LOOPHOLES IN THE LAW:

It is important to note that the sale of land had started much before KTG declared bankruptcy. As early as spring 2016, KTG had sold land to companies and investors so as to find funds to pay its interests. KTG had several sub-firms registered as 'agricultural companies' and this allowed them to officiate sale of these lands. According to German Law, agricultural land can only be owned by farmers or agricultural companies. Investors with no background in farming, use this loophole in the law and invest in these "agricultural companies" by holding large number of shares in it. In Germany many companies like Thomas Philipps (retail trader), Joachim Olearius (banking family) and Rolf Henke (publisher) bought land exploiting this loophole.

There are other glaring examples where the law has been turned on its head and exploited thoroughly. In the spring of 2016 KTG sold, 2250 hectares each, to the *Munich Re an insurance firm*. This transaction was "legal" because KTG first sold the land held by several sub-companies to one company and Munich Re later bought a 94.9% share of this company. This was a clever ploy to also avoid taxes. Unlike peasants, farmers and all private persons in Germany, who must pay real estate tax if they buy land, Munich Re did not pay a single Cent for in fact buying 2250 hectares of land. They did not buy the land directly but the share of a company. If the land would have been sold directly to the reinsurance, Munich Re would have had to pay about 1.8 million Euros in taxes.

PEASANTS AND SMALL FARMERS ARE DISREGARDED

Mario R. and Lisa W. have been landless and recently had the chance to buy, together with a group of people, a small plot of land in Eastern Germany. On the land, they started small-scale agricultural production of organic, seasonal and healthy food for local marketing and consumption. For buying their small plot they had to pay 10.000 Euros in taxes (unlike Munich Re!).

Governments at the regional and national level are influenced by a strong group of lobbyists. Their interests lie in just amassing profit, with little or no concern for the development of the region and the promotion of organic peasant farms. Berlin could be an easy link for small-scale farmers like Mario and Lisa to market their produce, but little interest is paid by the administration in creating structures that link their farms to the city. Instead, millions of euros are spent in developing industrial agriculture by promoting firms like KTG Agrar, which only end up as a burden on people.

"To buy land for our newly established farm we had to take a loan of 170.000 Euro for 5.7 hectares. The agricultural subsidies we get from the EU are even less than the annual loans we have to pay. Just mega-farms with more than 1000 hectares benefit from this support.

This kind of agricultural policy creates a situation in which well-educated young people have almost no chance to become a farmer. The population in rural areas of North-East Germany gets older and older and young farmers in rural areas would make the population younger”, says Mario.

Several young people in the region are keen to produce local, organic food just like Mario and Lisa. After KTG declared bankruptcy, young peasants and movement members of AbL (LVC member organization in Germany) had gathered on the fields of KTG demanding from the government that they be allowed to practise sustainable agriculture. However, the current land price and lease price are too high for these young farmers. Despite the government’s announced intent to increase the share of organic agriculture to 20%, the land of which it is practiced is stagnant at mere 8%. It would be more effective if the State could lease its land to young people and encourage organic production, instead of selling it to private entities. Firms like Munich Re and the private foundations such as Gustav-Zech that bought shares of KTG Agrar, are both based in rich urban areas of Munich and Liechtenstein – and are extracting money from the already exploited rural areas in East Germany

NEED FOR A UNIVERSAL DECLARATION: There is a widespread denial, especially among politicians, while dismissing violations of peasants’ rights as a phenomenon of the Global South. They refuse to acknowledge that in their own region, industrial agriculture is privileged due to unfair legislations and legal loopholes. Fundamental rights of peasants and rural workers such as the right to land are barely implemented. A universal declaration on the rights of peasants and other people working in rural areas would strengthen the people’s movement in rural Germany, create awareness of their rights and would provide them a tool to realize their demands.

CHAPTER 4

REPORTED VIOLATIONS FROM THE AMERICAS

Farmworkers Of Florida Are Up Against The Big Six Pesticide Companies

Lake Apopka, just north of Orlando, Florida, U.S.A., is the state's most contaminated large lake. For over 50 years, the former marshlands on the north shore of the lake, that were drained and diked to expose the rich muck soil, were used for the agricultural production of vegetables, herbs, fruits and ornamental plants. Chemical pesticides and fertilizers were regularly used on the fields using intensive conventional agricultural production practices and in a cycle of periodic draining and flooding of the farm fields that resulted in nutrients and pesticides flowing from the land to the lake and back. A spill of DDT in 1979 at a pesticide mixing and distribution company on the south shore of the lake led to the contaminated site being designated an Environmental Protection Agency (EPA) Superfund site. DDT and other pesticides from the site eventually filtered into lake waters.

University of Florida researcher Dr. Louis Guillette conducted alligator studies on Lake Apopka from the mid-1980s, at which time he discovered reproductive anomalies in the alligators that he eventually attributed to organochlorine pesticide contamination related to the agricultural pesticides from the north shore farms.



The decline of the lake's quality due to *eutrophication* from phosphorus run-off from the farms led to the state of Florida buying out the farms and shutting them down on May 31 1998. That winter, for the first time in over 50 years, the farms were flooded during fall/winter bird migration. This attracted tens of thousands of water birds, which also led to one of the worst bird mortality incidents in the history of the U.S. After two years of study, the cause of the bird deaths was linked to exposure to organochlorine pesticide residue in the fish consumed by the birds on the flooded north shore farm land. Millions of tax-payer dollars were spent to buy out the farms, to study the alligators and to investigate the bird deaths.

To this day, virtually no money has been allocated to study the effects of chronic exposure to these same pesticides on the health of the African American, Haitian and Hispanic farmworkers that worked on the farmlands for decades and even for generations – including children and

pregnant women in the fields, and including those who worked in the fields before any worker protection standards existed.

The political, economic and cultural context for this is that farmworkers in the U.S. are living the legacy of slavery. Agriculture is an industry dependent on a cheap, exploitable labour force, in which a politically powerless, racial minority, exploitable and abused workforce is the backbone of the means of production that enriches others while keeping a segment of society oppressed. Working with allies and led by Pesticide Action Network, the Farmworker Association of Florida (FWAF) – one of six U.S.-based La Vía Campesina (LVC) member organizations – and the former Lake Apopka farmworkers were included in a case that was brought before the international Permanent Peoples Tribunal that looked at human rights violations related to involuntary exposure and tragic impacts of toxic pesticides. Some 13-15 farms of varying size were where the farmworkers on Lake Apopka worked, but the case that was brought before the Permanent Peoples Tribunal was against the Big Six pesticide companies that manufactured the pesticides that were used on the farms.



There was virtually no media coverage – except for blogs within the organizations participating – in the U.S., but there was international coverage of the PPT, especially in India, where the Tribunal was held.

The former Lake Apopka farmworkers continue to speak out – although, since the time of the PPT, many have died, including two members of the key leadership group in Apopka. They created two Lake Apopka Farmworker Memorial Quilts that have been on exhibit in various locations in Central Florida over the last 6-7 years. And, their voices have been captured by author Dale Slongwhite in the book *Fed Up: The High Cost of Cheap Food*, which is based on oral history interviews the author did with the former farmworkers. In addition, the former Lake Apopka farmworkers often speak to student, church, civic and other groups on panels and in hosting Lake Apopka Toxic Tours as part of FWAF.

FARMWORKERS ARE MOST AFFECTED

The Lake Apopka farmworkers’ – the men, women and children who worked and played in the fields on Lake Apopka - human right to health, to a safe environment, to livelihood and to life itself were violated by the use of persistent organic pollutants in the form of agricultural organochlorine and other pesticides that bioaccumulate up the food chain, that are persistent in the soil and in fatty tissue in the body.

The former farmworkers have been struggling for close to 20 years for validation of their lives and work and the impacts exposure to the pesticides has had on their health. They have been struggling for health care, especially access to specialists to address the many complicated and chronic health issues they are facing. They are struggling for health care for their children, who are experiencing health and developmental problems that many believe are related to the pesticide exposure of their parents. They were struggling for compensation, however, so many of the community members have died since they first organized, with FWAF, to have their voices heard, that now health care is their main concern. An estimated 3000 farmworkers were working on Lake Apopka farms when the farms closed in 1998. However, thousands more had worked on the lake farmlands over the 50 + years of the history of the Lake Apopka farms. Including these farmworkers and impacted family members, the numbers could be 100,000 people or more who were affected.

While the Lake Apopka case is specific in that the farmworkers worked almost year-round and year after year on the fields, and in that the alligator studies and bird deaths concluded the effects that pesticides had on wildlife and on the environment, farmworkers all over the country were and continue to be exposed to highly toxic chemicals, including pesticide mixtures and multiple pesticides that can have cumulative, synergistic and



Contaminated lake apopka (screengrab from the a video produced by produced Earth Justice)

compounded effects on the health of the workers. Many of the former Lake Apopka farmworkers have been involved in the work and have worked with FWAF since the beginning of the organization and more specifically since the closing of the farms on Lake Apopka.

PERPETRATORS - THE BIG SIX PESTICIDE COMPANIES

The case before the Permanent Peoples Tribunal was against the Big Six pesticide companies – **BASF, Bayer, Dupont, Dow, Monsanto and Syngenta.**

Communities from different communities in different continents around the globe brought their cases against these companies before the PPT. The struggle is/was directed by people in impacted communities around the globe who have been victims of the political and financial power of these transnational pesticide companies and who have had their health, livelihoods, and environments contaminated by the use of toxic chemicals that put company profits ahead of the rights of people and the environment.

The power of the corporations has meant that seeking justice in the courts and state or national governments of their respective countries was unsuccessful, hence, the need to take their case before the PPT. In the United States, the Lake Apopka farmworker community's health care concerns were ignored by local and state government until the mid-2000s. Two years in a row, a state senator, Senator Gary Siplin, included \$500,000 in the state budget to go towards health care for the former Lake Apopka farmworkers. Even though the state legislature passed the measure, two years in a row, Florida's Governor Rick Scott vetoed the line item in the budget and the following year, the senator lost his seat in the state legislature.

THE NEED FOR A UNIVERSAL DECLARATION

The rights of this community, as well as communities of farmworkers all across the U.S. and around the globe, can be better realized by reducing and/or eliminating the power of the transnational pesticide corporations and breaking up the power of the powerful agribusiness industry and by returning to non-chemically dependent forms of agriculture production, including incorporating concepts of and in realizing food sovereignty by giving power back to the people and their communities and by adopting agroecological principles. The Farmworker Association of



Migrant workers in the farms - image sourced from Crealdé School of Art and the Farmworker Association of Florida

Florida's Campesinas' Gardens Project is an effort, not only to bring community grown healthy and locally grown food to our communities, adopting agroecology as a method and philosophy, but also using this work as a form of resistance against the power and influence of transnational pesticide and agricultural company dominance.

The July 9th Peasant Group: Landless, Stuck Between Violent Evictions And Criminalization In Honduras

The July 9th grassroots peasant group, made up of 36 families affiliated with the National Rural Workers Central (*Central Nacional de Trabajadores del Campo*—CNTC), occupied a 25-hectare tract of idle land in July of 2010. The land is located near the village of Las Huertas, in the municipality of San Pedro de Tutule, La Paz department, and forms part of the historic "poverty corridor" in Honduras. It also falls in the Central American "Dry Corridor" of rural land deeply afflicted by the symptoms of a changing climate, such as droughts and flooding.



Peasant families protesting

In particular, San Pedro de Tutule is a municipality with a bad record of land access for peasant families. Of all the households that work the land, "42% have their own purchased land, 52% have

no land, 2.91% are in litigations for land, 0.81% have access to communal land, 0.65% work on loaned land, and 0.24% rent land²². Such a context explains the extreme need, in this municipality, for land upon which to produce. One of the leaders of the *July 9th peasant group*, Wilman Chavez, explains their situation as: “living in poverty, lacking employment and housing, and needing food”.

Despite receiving initial support from the National Agrarian Institute (*Instituto Nacional Agrario—INA*) - the governmental agency that regulates rural land - this land remains unavailable to peasant families.. After talks failed with the self-proclaimed owner of the land, Carlos Arreaga Vásquez, the occupying peasants’ group has been forcibly evicted, and has reoccupied the land, several times, and the majority of its members have been charged with “usurpation and aggravated damage” since July 2011²³. This criminalization has intensified the atmosphere of conflict around this peaceful land occupation. The most violent and recent eviction took place January 13th, 2017.

Hoping to avoid an eviction, the Committee of Family Members of the Detained and Disappeared of Honduras (*Comité de Familiares de Detenidos-Desaparecidos en Honduras—COFADEH*), accompanied by the Honduran CLOC-La Via Campesina, appealed to the Constitutional Courtroom of the Supreme Court of Justice (*Corte Suprema de Justicia—CSJ*), requesting a suspension of the eviction notice, on January 5th. The same groups gave declarations referring to the appeal to the Constitutional Court and to the Justice of the Peace (*Juzgado de Letras de la Paz*) on January 12th.

Yet, without ruling on the appeal, on the morning of January 13th, the presiding judge Gladis Godoy Cruz, prosecutors from the Public Ministry and approximately 200 troops from the following sources: 12 patrols of the Preventative Police, two commandos of the Military Police of Public Order, and one commando of the COBRAS—an elite unit of Preventative Police—carried out the eviction.

Using live bullets and tear gas bombs, this operation destroyed the totality of houses and crops of the peasant group, including coffee, fruit trees, corn and bean fields, as well as the home gardens of each family. The brutality of this police action resulted in a bullet wound in the knee of Victor Vásquez, president of the Indigenous Council of Simpinula, and an arm injury to David Mendoza, who was hit by a tear gas bomb²⁴.

THE VIOLATION OF RIGHTS

Given these facts, the Resident Representative of the Office of the High Commissioner of Human Rights of the United Nations in Honduras, Maria Soledad Pazo, expressed her concern that the Honduran State not apply the “international standards for carrying out eviction orders” and that there is no legislation that regulates “the use of force and firearms in eviction and public demonstrations, in concordance with the international human rights obligations”. Additionally, mentioned that “even if a tribunal has judged in favour of the eviction, this situation may still constitute an illegal and unjustifiable forceful eviction”.

Specifically, in the case of the July 9th peasant group, the following rights have been violated:

- *The right to food* (Universal Declaration of Human Rights, Article 25. ICESCR, Article 11), due to the destruction of the crops planted in the fields of the occupiers, and the barren situation of poverty and lack of employment in the municipality.

22 FOCAL H. Plan de Desarrollo Municipal con Enfoque de Ordenamiento Territorial 2015-2025 de San Pedro de Tutule, La Paz. Page 14.

23 Case number 244-4-2010, of the Justice of the Department of La Paz.

24 Graphic evidence of the eviction:

- *The right to adequate housing* (ICESCR, Article 11), given that a total of 30 housing units have been destroyed by this latest and previous evictions.
- *The right to agrarian reform* (Report of the Global Food Summit, Objective 1.2 b; and the Voluntary Guidelines for Responsible Governance of Land, FAO).
- *The right to work* (Universal Declaration of Human Rights, Article 23; ICESCR, Article 6).
- *The right to life* (International Covenant on Civil and Political Rights, Article 6). This violent eviction has resulted in two wounded people, one gravely (Victor Vásquez, due to police using live bullets).
- *The right to a fair trial* (International Covenant on Civil and Political Rights, Article 14). The system of justice has turned a deaf ear to the appeals process and to the declarations presented to avoid a violent eviction.

DESCRIPTION OF THE ROLE OF THE VIOLATORS OF THESE RIGHTS

- **THE NATIONAL GOVERNMENT:**
Despite the intensification of the conflicts related to land tenure across the country, there is no agrarian public policy to engage this reality and democratically manage it with international human rights accords. The ROHCHR has indicated, in the case of the eviction detailed above, that the “Government (of Honduras) has an obligation to carry out a study on the impact of the eviction and relocation of these people, in order to guarantee the exercise of their rights.”
- **THE JUSTICE SYSTEM:**
Neither the Supreme Court of Justice, nor the Justice of the Peace, have guaranteed the members of the July 9th peasant group the due access to justice. Although the Honduran justice system contemplates it, there has been no respect for the appeal presented by COFADEH in support of CLOC and La Via Campesina of Honduras.
- **THE NATIONAL POLICE AND THE MILITARY POLICE OF PUBLIC ORDER (POLICÍA MILITAR DEL ORDEN PÚBLICO—PMOP)**
Despite the various recommendations of the rapporteurs of the United Nations’ System²⁵, the practice of using disproportionate force carrying out evictions, violating key human rights, including the right to life.

PROPOSALS FOR IMPROVING THE ACHIEVEMENT OF THESE RIGHTS

- The Honduran Government should immediately assure “tenure rights” to the July 9th peasant group, in the lands currently occupied or in an area near to their communities of origin;
- The Honduran Government should formulate and implement a protocol on evictions, based upon international standards and its commitment to respect human rights agreements;
- The Honduran Government, following its international commitments on respect for

25 Among others: i) Report to the High Commissioner on Human Rights of the United Nations about the violations of human rights in Honduras since the coup d’état on June 28th, 2009; ii) Report of the Special Rapporteur on the situation of human rights defenders (December 13th, 2012); The Report of the Special Rapporteur about the rights of indigenous peoples during her visit to Honduras (July 26th, 2016); iv) Preliminary Observations on the Official Visit to Honduras by the Special Rapporteur on Extrajudicial, Routine, or Arbitrary Executions, from May 23th to the 27th of May, 2016.

human rights, should create law with respect to the use of public force, especially with regard to firearms, during the control of public protest;

- The international human rights networks should intensify their demands upon the government of Honduras, urging it to make good on its commitments to human rights and to the respect for the physical integrity of the defenders of land and territories.

Appropriation Of Indigenous Territories By Business Elites In Bajo Hondo, Argentina

The Yacu Cachi community is located 80 km from the city of Quimili on provincial Route Nº 116 in the Bajo Hondo area of the Department of Juan Felipe Ibarra, Province of Santiago del Estero, northwest Argentina only a few kms from the provinces of Chaco and Santa Fé.

Since 2011, the community of Bajo Hondo is involved in the process of being recognized as an indigenous community - namely the Yacu Cachi of the Guaycurú people. They are also part of the Campesino Movement Santiago del Estero (MOCASE), a member of the *CLOC – La Via Campesina*.



During the 1990's, the high point of soy production and the expansion of the agricultural frontier, 40 families lived in Bajo Hondo in a rural area of about 4,000 hectares.

At that time, an agribusinessman named Putiniano, a stranger who was unknown to the local-residents, moved in and appeared in the region alleging that he held the ownership title to nearly 1,000 of those hectares. He then took over the large tract of 1,000 hectares of land through violent means. He evicted the legitimate ancestral residents. Subsequently, through intimidation and force he fenced off the area, labelled it and immediately began to take apart the village and the planting and put fencing around the area, thus intimidating a large part of the residents. He now called the area, and his business, the "Gran Hondada S.A." And yet, despite the violence he unleashed, a good part of the population resisted.

At the end of the 90s Bielsa, another businessman, appeared and appropriated about 900 hectares. These 900 hectares are now fenced off and constant threats are made against the residents who still try to work that land. This method of land takeovers is often used in these territories, whereby the agribusinessmen fence off large extensions of the land inhabited as a set aside area waiting for a speculative increase in land values that they assume would result due to the soy boom or to

some subsequent fictitious order - that might be susceptible to annulment given the long history of possession by the old inhabitants.

In 2012 another businessman named Orlando Canido, whose company "LA OMARA" is the owner of the Manaos Soda Company located in Buenos Aires, arrived in the Bajo Honda area. He informed the townspeople that he had bought 4000 hectares and forced them to cede their rights to their territory and quashed any efforts to retain possession of the land with threats of extrajudicial eviction.

For the last four years, the territory of the Yaku Cachi Community has faced constant conflicts and the residents have been the object of threats, illegal detentions, and even torture at the hands of the police personnel. In addition, the members of the community have been falsely criminalised and charged with crimes that they have not committed. All these charges correspond to their efforts to defend their territory as the most fundamental element that is indispensable for the development and maintenance of the dignity of the indigenous-peasant livelihood.

The mechanisms of systematic criminalisation have been accompanied by the introduction, on the part of the businessman, of gangs of hooded and heavily armed men whose provenance is unknown. These armed gangs have been holding the families captive, blocking off small roads and paths to neighbouring areas, and undertaking illegal operations, and using extortion as a method of intimidation to instil fear in a small area of the countryside.

Despite the numerous efforts on the part of the indigenous community to denounce the situation and presents their before the courts, the waves of violence perpetrated by "Lachi" Letonai, Adrian Corico, Orlando Canido de Manaos and their paramilitary have undermined and violated various rights of the population: On more than four occasions they have burned fields and homes, burned vehicles; twice they have poisoned the only well with potable water used by both humans and animals, threatened to kill people in their own homes; several instances when they have shot up houses during the night, shooting at vehicles, destruction of fields and buildings, illegal evictions, killing; theft of more than 100 head of cattle, pigs and goats, destruction of kilometres of perimeter wire fencing, theft of motors and pumps for irrigation, theft of solar panels and destruction of electrical wiring; dozens of incidents of fumigation with toxic agrochemicals exposing men, women, some pregnant, and children to poisoning with agricultural chemicals that have been prohibited by the responsible agencies and the law.

The fumigations have been done at illegal distances and with the complicity of a judge. This is in violation of national and international norms regarding the unsafe use of toxic agrochemicals that has thus compromised the National and provincial authorities. Clearly the judges did not act in ways that guaranteed access to justice nor did they respect equality under the law to the right to defence as well as the special rights of indigenous people.

On Saturday July 2nd, 2016 four trucks, a Mercedes-1114-style tow truck, a tractor and 20 people whose faces were hidden by ski masks and who were heavily armed with high calibre pistols, revolvers and rifles erupted violently into the territory. They threatened Valeria Araya y Mari Leguizamón, ordering them to stay still and not move while at the same time pointing a rifle directly at one of the eight children present. Meanwhile, another part of the band of armed men took off to search the fields and buildings, cut the wire fences, and dumped the garbage they had brought in on their trucks in the community well. They destroyed and burned paddocks, corrals, and the watering troughs of the goats and pigs using the tractor they brought, and cut the wire perimeter fencing. During the time that they carried out these acts of destruction, the members of

the community were held immobile in the place indicated by the unknown armed men who had threatened them and kept guns pointed at them.

Another day, three members were intercepted by trucks with armed hooded men working for Orlando Canido de Manaos Sodas who made them get out of their vehicle at gunpoint and made them lay face down, the youngest among them was ordered to kneel and at gunpoint was asked if he was a member of MOCASE, then they kicked them and hit them with the butt of their rifles and told them they had to clear of the land.

The situation of the children in this community is even more serious, considering that they should have special and comprehensive protection from the state. The youngest residents have stopped attending classes at the village school because they are constantly monitored by these nefarious characters. This stands in violation of one of the fundamental rights of children, education, a right upheld in many national laws and international treaties.

As a social movement, our communicators and media workers have covered these aberrant facts and have publicized them through our various communication tools (FMs, web, and social networks) as well as in the provincial, national, and international media. The case has also been brought before national governmental representatives and international accusations human rights bodies. We have also brought public attention to the situation through demonstration and local protests.

Faced with such unacceptable impunity, we have used all available legal resources to avoid another death, such as those of the young Cristian Ferreyra and Miguel Galvan killed by the hired agents of agribusinessmen.

And we have seen the support and solidarity of many comrades from the neighbouring communities who went to help rebuild the ranchos, the fences, and accompanied the families of the community, with solidarity as our main weapon of struggle.

We demand justice, respect for our rights. We want to live and produce healthy food in our lands.

NOT ONE MORE DEATH FOR THE RIGHT TO LAND!

Land Grab By A Corporation: Offensive Of Argenceres In Peasant Territories Of The Northern Mendoza Province, Argentina

The village of Jocolí Norte is found in the northern end of the province of Mendoza, near the San Juan border, in Argentina. Here, more than 20 families live and produce goats, cows and horses, in a community setting in which generations of peasant children have grown up. Argenceres is a private corporation belonging to the Porchitol Group, made up of Spanish capital. For years, Argenceres has been trying to drive the families of Jocolí Norte off of their land, in order to claim that land using false land titles. A section of the judiciary and police force are complicit in this effort. While the village community produces for local and domestic markets, Argenceres is only interested in agriculture for export. The company has dug deep wells, affecting the watershed and leaving the downstream communities without access to water.



Images of peasants protesting against human rights abuse in Argentina

DESCRIPTION OF THE CASE

On Friday, July 19th, 2016, police officers from the Sub-commission of El Porvenir, within the province of Mendoza, together with a group of Argenceres employees, came upon a group of residents of Jocolí Norte who were repairing a gate that had been opened days earlier by the corporation's workers in order to move animals without permission across the community's fields.

Almost without a word, Officer Damián DiMarco fired multiple rounds of rubber bullets at Pablo Sarmiento, Jr., wounding him seven times from a distance of two meters, including deep wounds in his left leg. A group of villagers were taken into custody and held for more than three hours, without providing medical attention to the wounded man. They were threatened with being taken to the farm of the Argenceres Corporation; they were eventually taken to the police station in a patrol vehicle. Meanwhile, Officer DiMarco ordered the Argenceres employees to break the gates to the Jocolí Norte village's fields and install barbed-wire fences, so that the fields could be appropriated by the Spanish corporation.

The aforementioned event was the culmination of a long process of aggression, litigation and accusations, as described below:

On May 24th, 2011, the Spanish corporation ELAIA, also part of the Portichol Group and locally represented by José Marchal (who is also the local representative of Argenceres), destroyed the buildings, stables and corrals of El Saucecito, the family farm of the Sarmiento family since 1940, just days after the death of José Celestino Sarmiento. After reporting the incident, the community recovered the area and rebuilt the farm at El Saucecito. Thus began the civil and criminal cases. In the civil case, a judicial inquiry with a surveyor determined that the grazing area belonged to the community. This judicial exercise also showed how Portichol Group was using sales of properties between its own companies to modify plans, blueprints and surface areas. In November, Pablo Sarmiento declared to court authorities that the corporation was fencing off new areas of the community land, but was met by judicial inaction. When village community members tried to stop Argenceres employees from fencing off more land, they encountered armed men dressed as soldiers. Damián DiMarco was at the head of the private security troop, and the corporation was able to continue building a fence.

The same month, the community denounced the fact that the corporation, using the same "protection" of armed irregular forces, placed a booth in the field and began to keep a security guard. Despite community protest, the guard booth continues in the community's field. In December, 2015, the court ruled in favour of the community, recognizing the property lines discovered in the previous judicial inquiry and rejecting the corporation's actions to take possession. The same judicial inquiry shows irregularities in the land title and plans of the

corporations ELAIA and Argenceres, which went about increasing the surface area mentioned in the original land title.

On January 5th, 2016, the Sarmiento family filed a precautionary measure to prevent the corporation from putting up new barbed wire fences. The precautionary order was granted on January 19th and notified at the corporation's registered office in Buenos Aires on February 10th. At the end of January, Sarmiento reported that some farm animals had been stolen, as well as his suspicion that these had been taken out of the field through the gates made by Argenceres, since the animal tracks led to that gate.

On Wednesday, February 11th, Pablo Sarmiento was put in charge of notifying that the Managing Court #1 had issued a stay-of-action to the corporation with respect to the community lands. However, the same day, the fiscal office of Las Heras refused to receive the notification and the fiscal assistant in the Lavalle office, Dr. Panelli, excused himself because his office's number is 7 and the legal notification was addressed to office 6. The office called the court and the court said that the community needed an official letter to properly carry out the notification. The Porvenir police sub-commission, where Officer DiMarco works, was effectively notified of the stay-of-action on February 11, 2016.

On February 17th, Pablo Sarmiento reported to the Prosecutor's Office of Lavalle (File 1794/16) that the corporation was violating the stay-of-action and continuing to place barbed wire fencing on the fields, in a complaint entitled Fact Finding. On the afternoon of February 18th, six peasants on horseback (including the Sarmiento family and other community members) headed to the area where the Argenceres Corporation takes animals out of the community's fields. To avoid theft, the peasants place barbed wire across the gates that the employees of the Argenceres/Elaiia Corporation leave open. In this location, Argenceres had already dug fencepost holes.

On February 19th, the manager of Argenceres-Elaia, named Jasmil, arrived with two other employees, watched the peasants, and made a phone call. Ten to 15 minutes later, a police vehicle number 2820 arrived with four officers. It is worth mention that the nearest police station is approximately one hour away from Jocalí Norte. During the entire "operation" the farm manager of Argenceres and two employees were present, filming with a video camera and a tablet.

When the patrol vehicle arrived, Officer DiMarco stepped down from the pickup truck and loaded a shotgun. He advised the other officers to load their weapons as if the peasants were carrying out some sort of crime or were violent. One of the police officers carried in his hand a loaded 9mm pistol. The four officers remained on the corporation's side of the fence, that is to say, on the other side from where the Sarmiento family and its neighbours had built the day before to avoid having their animals stolen. At that moment, Officer DiMarco said, "What are you doing there? You are invading private property. They are going to take out that fence". The Jocolí Norte community members remained on the side of the community fields and behind the recently built fence. Pablo Sarmiento answered: "They are not going to take out anything, they have the papers from the court". Officer DiMarco responded that he was looking for Pablo Sarmiento, not for the fence-builders of the corporation, saying: "There is a report that you have weapons, knives. And that you are making trouble in the fields". Pablo answered that the peasants were only carrying the same knives they always keep on them in the countryside. It is common for peasants to carry knives when they go to work, and the police knew that the Sarmiento family worked the land.

Pablo Emilio Sarmiento, the son of Pablo Emerito Sarmiento known as Coty, told the officer to leave, and the rest of the peasants echoed his complaints that they were being treated as if they

were violent. DiMarco told him: "You are a rat; you will do as I say because I am the authority". When Coty Sarmiento turned around, Officer DiMarco shot him from two meters away, hitting him deeply in the left leg. Coty looked for the traditional whip for hitting the horse, but couldn't find it and pulled out his knife. At that moment one of the community members, Ramón Rojas, began to film with his cellular phone.

Officer DiMarco demanded that the community members cross to the other side of the fence, as he aimed at them. They refused, replying that it was he who was being violent. The police officers, led by Officer DiMarco, climbed over the fence to subdue the villagers. DiMarco told them that they would be searched for weapons, and that they get down on their knees. He threatened to shoot Coty in his other leg if he didn't follow orders. Meanwhile, Pablo Sarmiento told the officers that no one would get on their knees. The officer with the 9mm pistol searched each person and the horses for weapons. DiMarco insisted that he was carrying out an eviction. The officers used the cellular phones of the corporate employees.

After being searched, the community members were forced to cross over to the other side of the fence with their horses. It is important to mention that the peasants did not want to cross the fence, since the side they were on belonged to the community, as the judicial inquiry had found. However, the officers said that once they crossed the fence they could go home. After crossing the fence, however, Pablo Sarmiento and his sons, Coty and Victor, were handcuffed. The horses were taken by the police officers and remain to this day in the municipal corral in bad condition. Once Pablo and his sons were handcuffed, Officer DiMarco instructed the corporate employees to fence off the area, and the officers put the Sarmiento men into the police vehicle. About an hour and a half later, the vehicle arrived at the El Porvenir police station. A neighbour of theirs, Lorena Mozas, arrived from Jocolí to ask about them, but was verbally abused and threatened to be taken into custody by the police officers.

Lorena Mozas tells the story, "I tell him: how does he know that field belongs to the corporation? Is he a surveyor? He gets nervous and starts yelling that he is the one who shot them. When I asked to see Coty and make sure that he was receiving medical attention, since he was the only one who didn't get down from the police pickup truck, the officer tells the others to search me. I start to get into my truck when an officer tries to take my identification papers. The officer yells at me and tells me to get out of the truck and enter the police station to be detained for a background check. I tell him, "I live nearby. Why don't you detain me every time I walk past the police station?" I don't move. He grabs my arm and starts to pull me. I tell him not to touch me. They look for a female officer, but since they can't find one, he lets go of my arm and returns to the police vehicle where Coty never climbed out, another police officer gets in and they drive off. They gave no answer when I asked where they were taking him".

Coty Sarmiento was finally taken to the Sicoli Hospital where his handcuffs were removed. The other five people were illegally held until 9:30pm. Coty was given medical attention and then taken to the dungeon of the Lavelle 17th Commission until 4pm when he was taken to Police Labs to corroborate his wounds. Finally, at 6:30pm he was set free.

It is important to point out the animosity of Police Officer Damián DiMarco towards the peasants of the zone. In November of 2015, when the corporation was again beginning to build barbed wire fences, Damián DiMarco acted as a hired gunman and threatened to shoot any peasants who tried to stop the fencing. He has shown to offer extraordinary private services to the Porchitol Group. In a different village (the May 3rd Community), on January 24, 2016, DiMarco arrested three peasants without cause. In the patrol vehicle he threatened to lock them up if they got in the way of a

company that was fencing off parts of the community fields. The peasants, José Isidro Escudero, his son José Escudero, and Martín Sarmiento, a nephew of Pablo Sarmiento, were held for 10 hours before being liberated. In another instance, DiMarco found and confronted Pablo Sarmiento in a grocery store, threatening to lock him up if he made any more land problems.

This is the same Damián DiMarcho who headed the February 19th operation and shot Coty Sarmiento several times, even after having knowledge of the decision in favour of the Sarmiento family and the stay-of-action order.

FINAL POINTS:

- After wounding and illegally detaining the peasants, the corporation has fenced off large parts of the community lands;
- The family dogs accompanying the peasants on February 19th have disappeared;
- The horses taken by the police remain held at the municipal stables and are in deteriorating health.

WE DENOUNCE:

- The abuse of authority and the wounds caused by police officers;
- The inaction of the judicial power regarding the complaints of Pablo Sarmiento and the Jocolí Norte community;
- The non-application of the Settlement Law and its mechanisms;
- The illegal actions of the corporations belonging to the Porchitol Group, in violation of Argentine law, as well as their contempt of the precautionary measure and their collusion with the police to violate peasants' rights;
- The increased foreign ownership of the land and its concentration.

Brazil: Since The Return To Democracy There Have Been Nearly 2,000 Political Assassinations In Rural Areas

The year 2016 was marked by setbacks all over the country. In the rural areas, the situation did not differ: the number of assassinations caused by land conflicts was higher than it had been in 13 years. With 60 deaths (20% more than in the previous year), 2016 became the most violent year in the countryside since 2003, when (according to the Pastoral Land Commission's report that was published in 2016) 71 people were murdered in the course of their struggles for land reform and for the protection of their traditional territories.

As in previous years, incidents of violence were concentrated in the areas surrounding Amazonia. 49 out of the 60 assassinations took place in this region. With 21 deaths, Rondônia was the most

Records from the Pastoral Land Commission (CPT) show that, since 1985, 1,833 peasants and leaders of the struggle for agrarian reform have been assassinated in conflicts over land, while during the same period of time large land estates have grown by 375%.

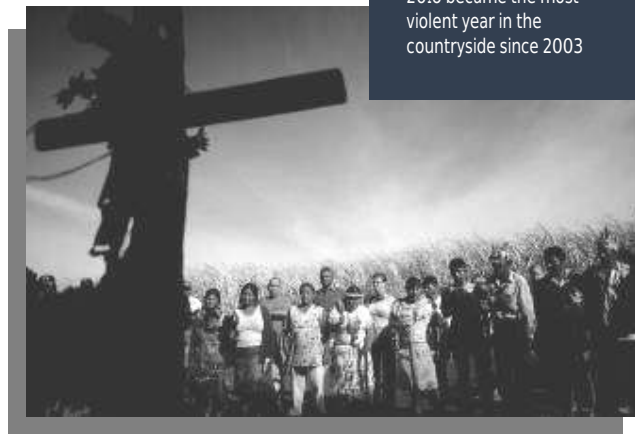
violent state. Maranhão was in second place with 13 assassinations. The state of Pará, previously in first place, was third, with 6 deaths. There were 3 assassinations in Tocantins, and Amazonas. Alagoas and Mato Grosso

each had 2 deaths. The region with the most conflicts over land was the North-east; it was followed by the Centre-West, the South-East, and, in last place, the Southern region.

According to the report, disputes over land and water resources are the chief causes of violence in the countryside. In areas where there is an expanding presence of agribusiness, mining installations, and large infrastructure projects conflicts are intensified.

The victims include Indigenous people, Quilombola²⁶ leaders, peasants, and trade unionists. The CPT's study emphasizes three emblematic cases: the assassination of the activist Nilce de Souza Magalhães in Porto Velho (Rondônia); and the assassination of the peasant Ivanildo Francisco da Silva in Mogeiro (Paraíba), and of the Indigenous man Clodiode Aquileu de Souza in Caarapó (Mato Grosso do Sul).

The most shocking case was the assassination of Nilce, a member of the Movement of People Affected by Dams (MAB). Nilce, who was well-known for her leadership in the citizens' movement against the construction of the Jirau hydro-electric dam, disappeared on January 7th, 2016. Five months later (in the middle of June), and only 400 metres away from the fishing community in Mutum where she lived, she was found, with stones tied to her hands and feet, at the bottom of the reservoir controlled by the dam. Nilce's two daughters recognized their mother's watch and her clothing.



2016 became the most violent year in the countryside since 2003

"It is easy to grasp if we look at the map of deforestation in the Amazonia Legal Region (the 9 states in the Amazon basin). Deforestation is increasing in Rondônia and advancing rapidly into other areas". Another ruthless murder, which caused shockwaves at the national level, took place in a rural area of the state of Paraíba, a region of great historical importance for the peasant struggle in Brazil. On April 7th, 46-year-old Ivanildo Francisco da Silva, a member of the Padre João Maria settlement, was shot in the head with a 12 calibre rifle at his home in the rural area of the municipality of Mogeiro. His body was found the following morning by his wife. His one-year-old baby daughter, who had been with him when he was killed, was still at his side; she was crying and covered with blood. Ivanildo and other members of the settlement had already been victims of an armed attack, which took place in 2015 and which was paid for by landowners in the region. At that time, seven gunmen were arrested but they were released after payment of bail. In the interior of Mato Grosso do Sul, near the municipality of Caarao, in June, the assassination of the young Guaraní-Kaiowá man, Clodiode Aquileu Rodrigues de Souza exacerbated the conflict between the Indigenous people and the region's large

26 [1] An identity referring to "quilombo", a term derived from kimbundu, an African language belonging to the Bantu linguistic family, which is understood nowadays in Angola. In Brazil, the word was given a new meaning in connection with the repressive apparatus for capturing individuals or groups fleeing from slavery. In Brazilian colonial legislation, the term 'quilombo' designated any group of more than five Black people who were found gathered together. Thus in Brazilian history, Quilombolas are the people who expressed Black resistance to slavery.

landowners. In order to lay claim to their ancestral lands (which had been surveyed and demarcated by the National Indian Foundation -FUNAI), the Kaiowá were occupying the Tey'ikue reserve, on which the (privately-owned) "Yvu" Farm (Fazenda) is situated. They were surrounded by 70 armed and masked landowners who, according to eyewitness accounts and to the hospital report, fired at them with live ammunition. The young health worker was killed, and five other Indigenous people, one of them a child, were injured.

The methods used by large landowners to intimidate the Indigenous communities in the region are not limited to armed conflicts. In July, the First Federal Court of Dourados granted precautionary measures in favour of the local indigenous community; the large farms in the surrounding area were prohibited from spraying toxic agricultural chemicals, whether by air or from the ground, at a distance of less than 50 metres from the reserves. The case had been dragging on since 2008, when the Indigenous people went to court and won the right to occupy two properties forming part of the legal reserve, and the landowners resorted to using planes instead of tractors to spray their soya and rice plantations.

VIOLENCE IN THE COUNTRYSIDE: THE PRINCIPAL ELEMENTS

Between 1964 and 2016, 2,507 men and women were assassinated in rural areas in the regions of Brazil. (These figures were compiled by the Pastoral Land Commission, which has made a systematic study of the incidents that have taken place since 1984, and the Landless Workers Movement (MST), which assembled data on the years before 1986.) One of the most violent periods was the decade of the 1980s, when Brazil returned to democracy. The 1980s were marked by the founding of the MST and by an increase in social mobilisation and in struggles for a more democratic system of landholding. Following the restoration of civilian government, the CPT recorded 1,833 assassinations in rural areas between 1985 and 2016. In other words, the number of recorded deaths resulting from rural conflicts was three times higher after the return to democracy than it had been in the years preceding the return. That does not mean that there were more deaths during the period of democratic government, but rather that records from the earlier period are unreliable. It only illustrates the significance of the conflicts that have taken place since 1985.

During the 90s, there was a decline in the number of deaths, and in 2000, there were 21 recorded assassinations. How can we explain that this number doubled in 2015 (with 50 recorded deaths) and tripled in 2016? For CPT National Coordination member, Thiago Valentim, there are three main reasons for the increase in the number of conflicts. Firstly impunity, but, he stressed, this only means impunity "with regard to rural conflicts, given that our penal system is one of those with the highest rates of incarceration". Secondly, the dismantling of public institutions and the absence of a government policy for democratising landholding. Valentim recalls that in the past several years there has been little investment in agrarian reform. "It has declined to the point where there were years when the government did not expropriate any land" for agrarian reform.

The coordinator believes that this is why the number of conflicts has risen. Because there are communities that are engaged in struggles for land, and when governments fail to act, "it is the social movements that come directly into conflict with the large landowners". The third reason given by Valentim is the growth of agribusiness, "the continued expansion of large corporations and infrastructure projects" that are drawn to the territories of traditional communities because of the wealth of the natural resources they contain.



"Four workers in this region were killed, and up until now there has been no proper investigation. Those responsible for these murders are civil and military police personnel assigned to the region."

Disputes over land and water resources are the chief causes of violence in the countryside. In areas where there is an expanding presence of agribusiness, mining installations, and large infrastructure projects conflicts are intensified.

The Executive Secretary of the Indigenous Missionary Council (CIMI), Cleber

César Buzatto, believes that the main cause of violence against Indigenous people is the slowness and virtual paralysis of administrative procedures for land

demarcation. "This factor contributes a great deal to the increase in tension and in conflicts between peoples. Another aspect is that agribusiness has become increasingly organised; its systematic onslaught against the rights of the peoples is more coordinated and more violent. In recent years, the Ruralist Bench has been particularly active, using legislation, such as PEC 215 (a constitutional amendment, put forward by Liberal Party congressional deputy Amir Moraes de Sà from Roraima, that transfers responsibility for the demarcation of Indigenous land from the executive branch of government to the Congress) as a means of opposing Indigenous rights. Many members of Congress (deputies) are making hate-filled speeches and fomenting violence against traditional communities and against the organisations supporting them, and this has led to an increase in armed attacks against Indigenous leaders and their allies", Buzatto emphasized.

According to the records of the Executive Secretary of CIMI, between 2015 and 2016 there were more than thirty armed attacks by paramilitary agents and hired gunmen acting under the orders of large landowners.

In the opinion of João Peres, the author of the book "Corumbiara: a buried case" (Corumbiara caso enterrado, editora Elefante) about the 1995 massacre of peasants at the Santa Elina estate, it is nothing new for Rondônia to be one of the most violent states. "The deaths have two causes: acts and omissions on the part of the government. He considers that one of the acts that particularly stands out is the construction of the twin hydro-electric dams (Jirau and Santo Antônio), which resulted in deforestation and opened the door to organised large-scale forest takeovers that the government found very difficult – and was even afraid – to deal with". "It is also possible to point to the land speculation stimulated by the prospect of paving the BR 319 highway - at the very place where a number of emblematic leaders were assassinated".

Peres emphasized that the assassinations occurred precisely where there is intensive logging and little oversight. "It is easy to understand if we look at the map of deforestation in the Amazonia Legal region. Deforestation is increasing in Rondônia and advancing rapidly into other areas". That is why people were assassinated in the Vale do Jamari, which in the 21st century seems to have taken the place of the Southern Cone of Rondônia as the most dangerous part of the state. Violence against the social movements is fuelled by inadequate investigation procedures. Since it is the landowners who are in charge of government institutions, it is obvious that the government will not take action to resolve the cases; on the contrary, it will work to see that they go unpunished".

The author recalled that during the dictatorship Rondônia attracted both the large landowners and the landless, and that, even after five decades of migratory 'boom', this mixture "continues to be explosive".

PRISON AND PERSECUTION

The violence in the countryside that was reported in 2016 did not begin or end that year. Political persecution and arbitrary imprisonment are a reminder of the 1964 dictatorship that is being reinvoked at the present time. In November 2016, in a Paraná Civil Police operation named "Operation Castra", eight members of the MST were arrested in the Quedas do Iguaçu region. These peasant members of the MST, who were accused of belonging to a criminal organisation and of "committing acts of extortion against settlers" were placed in detention; they continue to be held in prison. In the opinion of Geani Paula, coordinator of the MST in Paraná, the reasons appearing in the imprisonment order are "accusations that are out of touch with reality". The region has been marked by conflict since 2014, when approximately three thousand families occupied land belonging to the Araupel Company. The land in question had been classified as having been obtained by means of falsified documents (griladas)²⁷ and the Federal Ministry of Justice had declared it to be public land that belonged to the Union (the union of the federal district, the provinces, and the municipalities of Brazil), land that should therefore be included in the agrarian reform programme.

"In the region, four people have already been killed, and until now there has been no proper investigation. Those responsible for the murders are civilian police and military personnel who are active in the region", Paula complained.

LAND CONCENTRATION AND THE FAILURE TO DEMOCRATISE LAND OWNERSHIP

The democratisation of the voting system outpaced democratisation of the countryside. According to the report published by Oxfam Brazil (an organisation connected to Oxford University with branches in 94 countries), entitled "Fields of Inequality: Land, Agriculture, and Inequality in Rural Brazil", land concentration is the principal cause of violence in the countryside. At the present time, the very large land owners, who make up less than 1% of the total number of Brazilian land owners, hold 45% of the whole rural area, whereas small land owners (those with less than ten hectares - approximately 24 and a half acres - occupy less than 2.3% of the rural area.

In January of this year, the Nucleus of Studies, Research, and Agrarian Reform Projects (NERA), which is linked to the UNESP Universidade Estadual Paulista), published a report emphasizing the problem of increasing land concentration in Brazil. According to the study, in the last thirty years there has been a 375% growth in the land area occupied by large estates. Their research calculates the growth, since 1985, of properties with more than 100,000 hectares.

According to the researchers, the pace of agrarian reform is not keeping up with the expansion of agribusiness. The territorial expansion of agribusiness can be ascribed to the use of falsified land titles and to the growth in foreign ownership. The research links foreign land ownership in Brazil to at least 23 countries, among which are the United States, Japan, the United Kingdom, France, and Argentina. "The main investments are in commodities: soya, maize, canola, rapeseed, sorghum,

27 The illegal appropriation of land. 'Grilagem' is a longstanding practice of forging or falsifying documents related to land ownership, in such a way as to make them appear old, in order to obtain illegal possession of tracts of land. The term has its origin in the practice of putting the falsified documents in a box containing grasshoppers. After a time the effect of the grasshoppers was to make the documents look old - to give them an appearance of antiquity and thus of apparent authenticity.

sugar cane, and tree monoculture, in addition to the production of genetically-modified seeds", the report explains.

NEW AGRICULTURAL FRONTIERS, NEW CONFLICTS

According to Thiago Valentim of the CPT, the exacerbation of the conflicts is more pronounced in the Northern region, because "there has a greater advance of capitalist interests, and because it is a very rich area where companies are buying large extension of land". He also signalled another very coveted area, which provides an explanation for the increase in conflicts in the North-east: the Matopiba Agricultural Development Plan (Maranhão, Tocantins, Piauí y Bahia).

Valentim thinks that the region is a clear example of the campaign against traditional communities, which, after its previous expansion in the North, is now being extended, in a more coordinated way, to other parts of the country. The CPT's report recorded dozens of cases of violence in Matopiba, such as armed conflict, the destruction of houses and crops, displacement, threats of eviction, and the blocking of access to water sources.

BLOOD-STAINED LAND

According to research conducted by the Pastoral Land Commission and the Landless Workers Movement (MST), more than 2,500 men and women were assassinated between 1964 and 2016, in all parts of Brazil. The decade of the 1980s, the time period when the country was returning to democracy, coincided with the worsening of violence in the countryside, with leaders being assassinated at the behest of landowners, mining companies, and large corporations. Despite occasional accusations brought against gunmen, those responsible were very seldom brought to justice.

On April 17th, 1996, nineteen landless workers were assassinated by the Military Police in an incident that became known all over the world as the Eldorado dos Carajás Massacre, which took place in south-eastern Pará. The MST members were taking part in a march to the city of Belém when the military police blocked their path. More than 150 military police personnel (armed with guns and live ammunition, and without any identification badges on their uniforms) had been called in to stop the march. What ensued was a repressive action of extreme violence. Two decades later, two of those who commanded this operation have been convicted: Colonel Mario Colares Pantoja, sentenced to 258 years, and Major José María Pereira de Oliveira, sentenced to 158 years. There was never any investigation of the evidence regarding the involvement of Vale do Rio Doce (which at that time was still a state-owned company) in transporting the troops from Paraupabas and Marabá, in a Transbrasiliana Company bus. The name of the Transbrasiliana administrator - who took the order and who received the payment - is Gumerindo de Castro. The name of the Vale civil servant who contracted the bus company's services is James. "How can you explain why a state-owned company contracted a private business to transport military police personnel who had been summoned to break up a public demonstration?" asks Eric Nepomuceno, the author of the book "The Massacre: Eldorado dos Carajás: A Story of Impunity", published by Editorial Planeta. ("O Massacre: Eldorado dos Carajás: Uma história de impunidade" - Ed. Planeta).

Francisco Alves Mendes Filho (Chico Mendes), leader of the rubber tappers movement and president of the Rural Workers Union of Acre, was assassinated on December 22nd, 1988, at the age of forty-four. He was shot to death by Darci Alves, who was acting under the orders of landowner Darli Alves. In 1990, both men were sentenced to nineteen years in prison, but they escaped in 1993 and were recaptured three years later. They were able to benefit from penitentiary models involving semi-open prisons and house detention.

The North American missionary, Dorothy Mae Stang, a social and environmental rights activist and the defender of an environmental sustainability project for Amazonia was assassinated, at the age of 73, on February 12th, 2005, in the interior of Anapu, near the Trans-Amazonian Highway in Pará. Dorothy Stang, a naturalised Brazilian citizen, had been living in the region since the 1970s. She was engaged in the struggle for the creation of the Esperanza Reserve, an Incra (National Institute of Colonisation and Agrarian Reform)²⁸ project, when she was captured by gunmen. Two of those involved in the crime, Vitalmiro Bastos de Moura and Regivaldo Pereira Galvão, are at liberty. The gunmen who carried out the crime, Clodoaldo Batista and Rayfran das Neves Sales, received prison sentences of 18 and 27 years respectively.

The farming couple, José Claudio Ribeiro da Silva y Maria do Espírito Santo da Silva, were assassinated in the morning of May 24th, 2011, in Nova Ipixuna in the south-east of Pará. On December 6th, 2016, José Rodrigues Moreira, the landowner who ordered the killings, was sentenced to 60 years by the Belém Court. Zé Claudio and Maria were environmentalists and forest product harvesters (extractivistas) and they publicly decried the illegal land take-overs and unlawful deforestation taking place inside the agro-forestry (agro-extravista) settlement in their local area.

Written by: Cauê Seigner Ameni (De Olho nos Ruralistas – a journalistic observatory on agribusiness in Brazil)

This report was sourced from MST website - _ and translated into Spanish by: Amanda Verrone

Political Prisoners Of Paraguay

NAMES	<p>GUSTAVO LEZCANO ESPÍNOLA</p> <p>Founding member of the Agrarian and Popular Movement and leader of the Free Fatherland Party</p> <p>ROQUE RODRÍGUEZ TORALES</p> <p>Founder and ex-General Secretary of the Agrarian and Popular Movement</p> <p>ARÍSTIDES VERA SILVERO</p> <p>Founding member of the Agrarian and Popular Movement and grassroots leader of the Free Fatherland Party</p> <p>BASILIANO CARDOZO GIMÉNEZ</p> <p>Founding member of the Agrarian and Popular Movement and grassroots leader of the Free Fatherland Party</p> <p>SIMEÓN BORDÓN SALINAS</p> <p>Landless Coordinator and founding member of the Agrarian and Popular Movement</p> <p>AGUSTÍN ACOSTA GONZÁLEZ</p>
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28 National Institute of Colonisation and Agrarian Reform (Instituto Nacional de Colonización y Reforma Agraria)

	Founding member of the Agrarian and Popular Movement and grassroots leader of the Free Fatherland Party
COUNTRY	PARAGUAY
MOVIMIENTO	Agrarian and Popular Movement

TIME OF IMPRISONMENT OR EXILE

These Paraguayan citizens were detained in Argentina on May 2nd, 2006. Despite having Refugee Status, they were held upon request of the Paraguayan State and a warrant was issued, forcing them to serve a prison sentence as though they were in Paraguay. On December 12, 2008, they were extradited to Paraguay where they continue to be held, making for an illegitimate total prison time of 10 years and 10 months.

ACCUSATION

The sentencing phase, after the trial, concluded that the responsibility of the accused had been proven by prosecutors, and in consequence the accused were sentenced to 25 years of prison, plus 10 years of security measures, to be completed at the end of the prison sentence. The six peasants were accused and convicted of having supposedly participated in clandestine meetings where a kidnapping was planned, and, afterwards, in a clandestine meeting of the political committee of the Free Fatherland Party, on the night of January 13th, 2005, in the house of Regina Rodas. This meeting was referred to as the "final point" (punto final), where supposedly participants voted to assassinate Celicia Cubas, an action carried out 24 hours later.

Of more than 100 witnesses at the trial, only one claimed to have direct knowledge of what took place in the supposedly clandestine meetings: Dionisio Olazar, who declared himself to have been part of the criminal group that decided to kidnap Cecilia Cubas, before also declaring that he had himself become an informant of the Public Ministry. The testimony of Dionisio Olazar was denied by the owner of the home where, according to the prosecutors, the clandestine meetings took place.

This conviction was based upon one testimony, that of paid government informant Dionisio Olazar, who sustained that on January 13th, 2005, the accused, in a secret meeting, voted to kill Cecilia Cubas. However, in 2009, this witness declared, in a televised interview with Channel 13 that is available on YouTube, that Cecilia Cubas had been executed on December 24th, 2004, and that the decision was made by other people. The sentencing tribunal denied the inclusion of this evidence during the oral part of the trial. To date, Dionisio Olazar has never been put on trial for the crimes he confessed to as a witness. However, Regina Roa, the owner of the house where the "final point" meeting supposedly took place, and who testified that in her home there had only been political meetings of the Free Fatherland Movement, was to be charged with false testimony by order of the sentencing court.

The six peasants were convicted of the crimes of KIDNAPPING, HOMICIDE and CRIMINAL ASSOCIATION, in the degree of Co-Perpetrators, typified in the Paraguayan Legal Code, Article 105, Subsections 1 and 2, points 3, 4 and 6, Article 126, Subsections 1 and 2 as modified in Law 3440/08 Subsections 1 and 2, Article 239, Subsection 1, point 2 in concordance with the Article 29, Subsection 2 and Article 70.



Paraguayan campesinos march on the capital Asuncion to demand agrarian reform, March 26, 2015, Source Telesur TV

CURRENT SITUATION

In Paraguay, the National Constitution establishes that if a person does not have a firm sentence within five years, counting from the beginning of the trial, the process is ended and the person must be absolved. Despite this constitution prohibition, and having been processed for over five years without a firm sentence, the Supreme Court of Justice, overriding precedent, decided on May 13th, 2016 to reject the Extraordinary Appeal of Pardon proposed by the defence and confirmed the sentence of 25 years imprisonment plus 10 years of security measures, without discounting the two years and seven months of imprisonment spent in Argentina at the request of the Paraguayan State. To date, the file remains in the Chamber Supreme Court of Justice.

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LA VIA CAMPESINA

La Via Campesina is an international grassroots movement that defends small-scale sustainable agriculture as a way to promote social justice and dignity. It brings together millions of peasants, small and medium-size farmers, women farmers, landless people, indigenous people, migrants and agricultural workers and youth from around the world. It strongly opposes corporate driven agriculture and transnational companies that are marginalizing people and destroying nature. It counts 164 member organisations in 73 countries around the world.



International Secretariat: Stand No 197A, Smuts Road Prospect, Waterfalls – Harare – Zimbabwe



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