



Land Matters: Dispossession and Resistance

November 2015

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It robs people of dignity, freedom and hope,
of power over their own lives.

Christian Aid has a vision – an end to
poverty – and we believe that vision can
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Special thanks also to Mary Kessi, Sinead Coakley, Anna Flaminio and Mara Lilley.

Cover photo: In October 2012, 60,000 people, mainly dalits and tribal Indians, started a 300km non-violent land rights march from Gwalior to Delhi. The aim: to ask the Indian government to create and implement a new land reform policy to guarantee access to land and livelihood resources for all, regardless of wealth or caste. 8 days in, the Indian government agreed to the marchers' demands. The march was organised by Christian Aid partner Ekta Parishad over four years. **Photo: Christian Aid / Sarah Filbey**

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Some concepts defined

Land reform: There are competing concepts in relation to the understanding of land reform. It can refer to a broad range of changes in law, policy or practice related to land. In the post-colonial era many governments in the global south attempted to address historical distortions of large privately owned land-holdings and introduce redistributive reforms. Many of these policies are now being reversed as governments and international development agencies support the acquisition of large expanses of land by either domestic or international corporations- often in the name of development. Typically today land reform is related to more market based reform. Much of these reforms had their foundation in the structural adjustment programmes of the 1980s, which promoted market-driven enclosure in some regions and the privatisation of state farms in others.¹

Formalization and titling (usually individual) private property on a large scale is deemed necessary by mainstream development agencies, such as the World Bank and is thus widely promoted today. The underlying assumption is that poverty reduction will occur as a result of economic, market driven development. However issues around titling of land and registration as part of law reform or policy are highly contested. Opponents argue that they fail to factor in political, social and communal relations and may actually undermine economic and social security.²

Land management/ land governance (or land policy): National laws, policies and customs determine how land is managed, used, controlled and transferred. Legally, land management is subject to land and property laws, land-tenure agreements or planning regulations. While they may be referred to as 'pro-poor', these policies are usually viewed by the World Bank and others as technical or administrative issues rather than necessarily relating to the process of democratising access to and control over wealth and power. The outcomes of land policies tend to be measured exclusively in economic terms rather than in terms of 'deepening democracy' or changing power dynamics.³

Cadastral systems: These are state maps and records of land ownership. Most countries have some form of land registration.

Land tenure: Land tenure systems are rules invented by societies to determine who can use what resources, for how long, and under what conditions. They define rights to use, control, and transfer land, as well as associated responsibilities and restraints. Land tenure is largely regulated through national law but, in practice, rural citizens often acquire land through customary tenure. There are different forms of land 'ownership', a number of which fall under 'land tenure' definitions. Security of tenure is a broader concept where a person/ household/ company may not 'own' the land but have certain rights in connection to the land.

Security of tenure: This is the set of relationships that enables a person to live in their home or access their land in security, peace and dignity. The United Nations Special Rapporteur on adequate housing has noted that it should include diverse forms of tenure such as: possession rights, use rights, rental, freehold and collective arrangements- and that it is integral to the right to adequate housing and necessary for the enjoyment of other human rights.⁴ There is much critique of formalization and titling programmes as a way of creating security of tenure which fail to understand political dynamics of change in land in practice.⁵

Access to land: With this can come access to food, housing and development, while lack of access to land can bring economic insecurity. Customary rights to access land in indigenous societies are often granted by community leaders and based on ancestral clearance and occupation of the land.

Displacement: The displacement of people refers to the forced movement of people from their locality or environment and occupational activities. It is a form of social change caused by a number of factors, the most common being armed conflict. Natural disasters, famine, development, and discriminatory laws and economic changes may also be a cause of displacement.⁶

The United Nations Education, Scientific and Cultural Organisation outlines two types of population displacement from development: direct displacement, which leads to actual displacement of people from their locations and indirect displacement, which leads to a loss of livelihood.⁷

Dispossession: This is the action of taking away someone's property or land, whether through state-sanctioned legal mechanisms or illegally.

Forced eviction: This is the permanent or temporary removal of individuals, families and/or communities from their homes and/or land, against their will, without their having appropriate legal or other protection. Forced evictions can lawfully be carried out only in exceptional circumstances, in accordance with domestic laws and international human rights law. All possible alternatives must be explored first, in consultation with those affected. Where, in exceptional circumstances, a forced eviction is to take place, adequate notice and information must be provided prior to the eviction. Furthermore, resettlement must be as close as possible to the original place of residence and source of livelihood, and of equal or better quality to the original habitation. In addition, all components of the right to adequate housing must be provided.⁸

Human rights and land: Indigenous people enjoy a right to their ancestral lands, territories and resources and a right to decision-making affecting these lands, as set out in the International Labour Organisation Convention No.169 and the United Nations Declaration of the Rights of Indigenous People.

There is no universal right to land, but the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women make explicit references to the right to food and an adequate standard of living (including housing) and the rights of rural women, respectively.⁹

The Special Rapporteur on the right to adequate housing has urged States to ensure that people without an officially recognised tenure status are not denied basic services and facilities.

Introduction

The focus of this report

This report seeks to contribute to greater understanding of how people respond to and resist land dispossession. Regardless of the context or mechanisms of dispossession, victims face common experiences of marginalisation and the failure to respect human rights.

The experiences in the countries where Christian Aid works show the full range of concerns related to land: from forced evictions for urban regeneration and land reallocation (Angola, Brazil, Colombia, South Africa and Israel and the occupied Palestinian territory (OPT), large-scale land acquisitions (Angola, Brazil, Sierra Leone, Colombia), oppression, control and violent land usurpation (Colombia and OPT) and overall land governance issues in all cases.

The intention of this report is not to draw parallels between these vastly different contexts; rather it seeks to examine resistance to these dispossession and displacement. As illustrated by the case studies in this report, dispossession can take many forms: from violent and illegal means to evictions or expropriation carried out by the State with the backing of the law.

Indeed dispossession is a major cause of concern across the world. It is often, although not always, accompanied by forced displacement.

People uprooted by conflict and natural disaster risk losing the land they leave behind, where it may be opportunistically occupied by others, or where land acquisition was a direct motivation for uprooting people in the first place.

In virtually all countries there is a legal concept of 'public purpose' which enables governments to take privately held land for projects in the public interest. However public interest can be poorly defined. Displacement and dispossession may serve particular economic interests or be part of wider government initiatives such as urban regeneration, infrastructural, mining or agricultural investment programmes. Displacement therefore may be 'development induced' in order to facilitate the re-designation or transfer of land use and ownership for development purposes.

By end-2014, 59.5 million individuals were forcibly displaced worldwide as a result of persecution, conflict, generalised violence, or human rights violations. This is 8.3 million persons more than the year before (51.2 million) and the highest annual increase in a single year.¹⁰

The statistics for internally displaced people do not include people who have been displaced for reasons of development. As such the nature, drivers and extent of development-induced displacement are difficult to quantify. However, UN Habitat estimates that 15 million people are forced to leave their homes and land every year to make way for development and business projects,¹¹ including urban construction and large-scale land acquisitions.

Since the early 1990s there has been a profound shift towards governments looking to the private sector to attract foreign investment and to play a critical role in the promotion of economic development. This shift was forcibly reinforced by the World Bank led structural adjustment conditions which required indebted governments to free up the market in land, re-launch titling programmes, open their doors to foreign land ownership and remove any impediments to the emergence of large scale farming.¹²

In January 2013, Christian Aid helped to launch the 'Enough Food for Everyone IF' campaign to make progress towards ending global hunger. One focus of the campaign was to ensure fair and sustainable use of land in order to contribute to food security, and growth and development. Specifically, the campaign asked the G8 (now the G7 after the imposing of sanctions against Russia) for improvements in the governance of large-scale land acquisitions, in particular from the private sector, and called for an end to damaging biofuels policies.¹³

Large-scale land acquisitions are not a new phenomenon, but since the global food crisis of 2008¹⁴ a growing trend – the outsourcing of agricultural production – has made them a matter of concern to NGOs, peasants' movements and other civil society actors. Typically, contracts for such outsourcing are on long leases (between 50 and 99 years) and involve acquisitions in excess of 10,000 hectares.¹⁵ Such deals are charged with bringing disproportionate benefits to foreign investors and multi-national corporations.

Governments in developing countries are actively promoting large-scale land acquisitions as a developmental strategy, but the benefits are hotly disputed and feed in to bigger debates about development. Detailed, accurate data is difficult to obtain but needed to be able to argue against any potential negative effects.¹⁶ Together, the commercial pressures on agricultural land and the consequences of large-scale land acquisitions that lack transparency and consent have led the UN Special Rapporteur on the right to food to highlight grave threats to human rights, in particular the right to food.¹⁷

The debate over large land deals has especially focused on agricultural projects, but land deals also result in the exploitation of oil and mining activities. Governance in the extractive industry sector has been notoriously weak and corrupt in developing countries¹⁸ and needs to be considered as a driving force behind dispossession.

Forced evictions are a particular type of displacement that are particularly relevant to the countries in this report. Every year, millions of people around the world are threatened by eviction, or are forcibly evicted, often leaving them homeless, landless, and living in extreme poverty and destitution. Forced evictions commonly result in severe trauma and often set back the lives of those that are already marginalised or vulnerable in society.¹⁹

Within these marginalised groups that are affected, women often face additional vulnerabilities, particularly given the extent of statutory and other forms of discrimination which often apply in relation to the property rights of women, including home ownership and rights of access to property, and given the particular vulnerability of women to acts of gender based violence and sexual abuse when they are rendered homeless.²⁰

In some countries, inhabitants of informal settlements have been cleared off the land – often with no consultation, prior warning or entitlement to compensation. Frequently, people are removed from their homes, often violently, for the sake of urban development and state-led policies for land reallocation. Indeed, the UN has stated that forced evictions represent a ‘gross violation of human rights’, and in 2007 the Special Rapporteur for adequate housing developed basic principles and guidelines to assist states and the international community in significantly reducing the practice of forced evictions.²¹

While not all changes in land use result in dispossession when it does occur dispossession can have devastating consequences; a reduction of food security; environmental damage; loss of livelihoods and educational opportunities; lack of access to adequate housing; social polarisation, exacerbation of unequal gender relations and political instability. It may also devastate communities in social, historical and cultural ways.

The effects of displacement are particularly negative for the poor. For example, according to the United Nations:²²

As a result of forced evictions people are often left homeless and destitute, without means of earning a livelihood and, in practice, with no effective access to legal or other remedies. Forced evictions intensify inequality, social conflict, segregation and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children, minorities and indigenous peoples.



Angola, February 2013. A barbed wire fence marks the boundaries of a farm in Huila province, south west Angola. In the last 15 years or so, large areas of fertile land, which had once been the territory of nomadic pastoralists and their herds, have been “grabbed” by a new wealthy class of land owners. Photo: Christian Aid / Lilly Peel

Why land matters for development

Seventy per cent of the world's nearly 1 billion hungry people are smallholder farmers and the rural landless.²³ However understanding of what land means for those experiencing poverty is often more complex, it is not only issues of access to land but also about access to production of food, the quality of nutrition or access to the means to create a livelihood. In certain circumstances, land may be an essential element for improving living conditions and securing food. Particularly for smallholders or agricultural workers, herders, artisanal fisher men and women indigenous communities — access to land is a condition for the achievement of a decent standard of living.²⁴ Access to land affects the right to food, secure housing, water, health, work and an adequate standard of living. Land can be viewed as a complex mix of livelihood sources instead of a sole source of livelihood.²⁵ Lack of security in relation to land and forced evictions from land can put the right to adequate housing at risk.²⁶

Land is not just a source of economic production and housing but also a basis of historic social relationships, cultural and spiritual values and belonging; a source of identity, connection, prestige and often power.²⁷

Alongside this, the right to self-determination and to freedom of movement may be violated when marginalised people, or those living under occupation, are not allowed to govern autonomously their natural resources such as land, particularly when they depend on it for survival.²⁸

Land is linked to governance issues in any country and how power and resources are distributed. Land also relates to how tax is raised and administered. Tax has the potential to be the most reliable source of long term sustainable income for developing countries. A fair and progressive national tax system can deliver redistribution of wealth, curb inequalities and ensure everyone benefits from economic development. However, the current reality is very different.

In developing countries tax revenues are often too low; and too often those most able to contribute much needed tax revenues are failing to pay their share while the poor carry a disproportionate tax burden. While growing inequality in income and land ownership risk fomenting conflict, large-scale land acquisitions deals are frequently done without securing much needed tax revenue for developing countries because of the application of tax incentives.

Christian Aid has argued that governments should only offer tax incentives on the basis of agreed and transparent criteria – including adequate environmental, social and economic cost/benefit analysis – and should publish tax expenditures as part of their budgets.

Gender matters in the organisation of land and labour for rural production in developing countries.²⁹ It is crucial to recognise the impact that changes in agricultural production such as large-scale land acquisition, forced evictions and dispossession have on gender relations. Women's rights worldwide have been threatened with land tenure changes, through both large-scale projects and traditional titling programmes. Where customary use of land prevails, privatisation tends to concentrate land in the hands of those who can successfully assert ownership, such as community leaders and male heads of households.³⁰

Extensive research on unequal gender relations, including Christian Aid's,³¹ shows that women often have less access to tenure systems than men,³² and men and women play distinct roles in how they use the land. When land changes ownership as part of a large-scale acquisition, reports show that women are often excluded, and suffer particular negative impacts of no longer having access to the land and the food and water it provides.

When investors buy 'free land', women can be disproportionately affected because they may be farming land without a formal title. Also, when communities are displaced the burden of collecting water and firewood, usually on women, increases. For both men and women, land deals may offer new job opportunities in large-scale agricultural production, but these are highly differentiated by type of labour and wages.

Power dynamics and politics

The underlying nature of governance and politics in any country sets the context for land management decisions, some of which result in forced evictions and unethical land deals, the consequences of which can significantly affect marginalised groups. Such decisions can expose the institutional weaknesses and tensions between a state and groups in society, and among groups.

The power imbalances that come into play around land mean that poor people's rights are often at risk. These power imbalances on land can perpetuate gender inequality.

In many countries, access and rights over lands are based on hierarchical, patriarchal and segregated systems in which the poor, less educated and a majority of women do not hold security of land tenure. The Special Rapporteur on adequate housing has highlighted how discrimination on the basis of sex exists under all types of land tenure systems. Patriarchal laws, attitudes and customs affect the governance of land in many societies leading to the exclusion and marginalisation of women in particular.³³ Recent laws in some countries³⁴ have paid greater attention to gender equity by embracing the principle of non-discrimination, abrogating customary norms, presuming joint ownership of family land, outlawing land sales without the consent of both spouses and providing for women's representation in land-management bodies. However, implementation is constrained by entrenched cultural practices, lack of legal awareness and limited access to courts.³⁵

Control and access to land has historically been an instrument of oppression and colonisation. Colonial periods were characterised by a 'land rush', in which vast areas of land were acquired by colonial governments, and also by foreign or domestic corporations.³⁶ Christian Aid research on inequality in Latin America and the Caribbean highlights how progressive land reform is persistently resisted by elites, underlining the obstacles faced by the poor.³⁷

Development is a political process of negotiation, conflict resolution and management of vested interests. It is about the way people organise their political, economic and social systems to determine who has the right to use which resources, for which purposes, under which conditions, and for how long.³⁸

Assumptions that displacement of people from land is an inevitable consequence of conflict, or necessary for the 'development' of economies or a by-product of disasters, can ignore the politics and power that lie behind agendas to use land to benefit some over others.³⁹ The distinction between different types of displacement is not always clear – displacement occurring in the midst of conflict may, of course, be systematically planned and have the veneer of legality, while so-called 'development induced' displacement may be chaotic, violent and unjust.⁴⁰

Legally secure tenure is viewed by many as an essential element of the right to adequate housing.⁴¹ Land titling and formalisation (demarcating boundaries, registering ownership of plots through a land cadastre and relying on legal enforcement mechanisms) are put forward as a means to enhance security of tenure, and in principle to act as a safeguard against arbitrary or violent seizures of land by state, corporate or other interests.

The core claim that land titling can make the poor richer has been a central motivation for land titling programs in the global south.⁴² Because of conflict, informality and customary use of land, establishing security of land tenure in developing countries is complex. Even where there are records, they rarely capture how people depend on the land. Crucially also the process of formalizing security of tenure can be heavily politicised and systems of private property may be inappropriate for certain cultures. By giving legal recognition to existing land arrangements, historical injustices- notably from previous dispossession- can be affirmed.

Legal security of tenure is no guarantee of economic security or reform to address previous injustice. Legal titles are also no guarantee against dispossession and may inadvertently encourage processes that contribute to dispossession by formalising property rights and therefore encouraging land to be used as collateral or sold, or land can be seized at the moment of titling due to competing claims and common property can be transformed into private property.⁴³

In settings marked by a high degree of inequality and power imbalances between social classes they are likely to benefit local elites over the rural poor.⁴⁴

State cadastral systems – maps and records of land ownership – are at best partial, and at worst politicised and dominated by elite interests. Indeed, land management is disproportionately weighted in favour of those in power, who make decisions about changes in the control and use of land without taking the needs and rights of poor people and communities into account. Investors focus on land which has the best availability of water, irrigation potential, soil fertility, proximity to markets and availability of infrastructure.⁴⁵ The most productive and highest quality land is often controlled by those in power for their purposes or prioritised for foreign direct investment. Too often poor can find themselves displaced from their land or unable to access sufficient services and on land of poor quality. Indigenous agricultural diversity can also be reduced leaving people reliant on importing products.

Regulations and policies governing land-related rights are often at the heart of any major economic and social reform. Indeed, when the rights of people are taken into account, land reform can play a transformative role in sustainable, inclusive economic growth, social development and poverty alleviation.⁴⁶ Land governance is typically seen as the efficient administration of the state (privatisation, registration and titling) rather than addressing the fundamental issues of political power, recognition of rights in relation to land, effective access or the political economy of land and political change.

The contribution of ‘pro-poor’ land policies to democratic governance tends to be assumed rather than demonstrated. While much remains to be understood about the relationship between pro-poor land policies and democratic governance, arguably bringing in a focus on democratic land governance can contribute to ‘deepening the democracy’ debate. This is particularly important in contexts where the rights of the poor are weak and land-based wealth and political power is highly concentrated in the hands of a few.⁴⁷

Land inequality is also of relevance to debates on natural resource management, climate, gender equality, food security, indigenous rights, urban planning, governance, corruption, social and environmental justice, and conflict. As land is a fundamental resource – for both the powerful and many of the world’s poor – it can be used, exploited and controlled in ways that impact upon other issues.

Persecution, conflict and violence

Almost 22 million people were displaced by disasters (associated with climatic and weather hazards such as floods, storms and wildfires, and geophysical hazards such as earthquakes and volcanic eruptions) in at least 119 countries. This is almost three times as many as newly displaced by conflict and violence in 2013, 8.2 million as reported in May 2014.

Developing countries account for the vast majority of displacement caused by disasters each year. In 33 out of 36 countries affected by armed conflict between 2008 and 2012, there were also reports of natural hazards forcing people to flee their homes.⁴⁸

Struggles over access to and control of land (and the resources located in the land) and struggles over territory are often associated with violent conflict and civil wars. Legacies of conflict, inequality and weak governance are intertwined with incomplete land reform and inadequate oversight to ensure equality and access to land for the poor. In conflict and post-conflict countries, land acquisition and repeated patterns of dispossession frequently exacerbate tension and are the underlying cause of further violence – often linked to wider processes of political exclusion, social, ethnic and racial discrimination, economic marginalisation, and a perception that peaceful action is no longer a viable strategy for change.⁴⁹ This underscores the importance of land in peace building efforts.⁵⁰

Equally concerning is the dramatic increase in levels of violence faced by those who work on land and dispossession. Human rights defenders working on land issues who advocate for land reforms, oppose large-scale development projects and defend the rights of victims are often subject to physical threats and attacks and the stigmatisation and criminalisation of them or their families.⁵¹

Global Witness reported that between 2002 and 2013 908 citizens were killed protecting rights related to their land and environment. Three times as many people were killed in 2012 than 10 years previously, with the death rate rising in the past four years to an average of two activists a week. These figures do not include non-lethal violence, sexual violence and intimidation.⁵²

Responses to evictions and land deals

Not all changes in land use will necessarily have a negative consequence. However, when dispossession occurs communities are generally very adversely affected.

There is no automatic, uniform response to the negative effects of dispossession. In some cases, competition over land issues may be between individuals, in others there may be tension between the realisation of collective rights over individual rights, or between different groups.

There is a need, analytically and politically, to take a disaggregated view of 'the poor'. 'Local communities' include elite local actors, landlords, corrupt actors and smallholder farmers/ rural tenants. Responses may be highly differentiated between different groups and classes among the poor, between them and with the non-poor. A differentiated view of local communities, based on class and gender, along with race and ethnicity is a critical starting point.⁵³

However when dispossession has occurred in different parts of the world, many communities have appealed for their governments to intervene – to decide what rights can be maintained or what compromises can be forged. Christian Aid's role is to support and empower the individuals, marginalised groups, communities and organisations affected. The power dynamics from local to national level need to be carefully considered and responded to in ways that do not lead to further discrimination, violence or inequality.

Governments need to respect and uphold existing legal protections of the rights of communities. Applying principles such as participation, non-discrimination and accountability can enable states to comply with their obligations and responsibilities. In the event of conflicting land claims it is particularly important that there is consideration of existing inequalities and discrimination and effective remedy to settle disputes.⁵⁴ Land policies therefore need to be conscious of class, history, political power, gender, ethnicity, productivity of labour and land, livelihoods and the human rights of the poor.⁵⁵



Children always find a way to play, even in the midst of repeated demolitions. In Sept 2004, without warning, police and bulldozers knocked down the homes of Cambamba I, Cambamba II and Banga We, to make way for a new development of homes and shops for Angola's elite. With the support of Christian Aid partner, SOS Habitat, some of the community stood their ground, rebuilding their homes each time they were pulled down. SOS Habitat trained them in the laws and human rights, and equipped resident groups so that they can engage with the authorities themselves – writing letters and petitions. Finally, the government said they would build new homes for them in Zango, a suburb of Luanda. In June 2013 families started to move to the new homes. Photo: Christian Aid / Lilly Peel

Aims, methodology and structure

Aims

The intention of this report is to offer learning on land dispossession, how responses emerge and progress, and the relevant support structures used by communities. The findings provide insights into the contexts and conditions that enable communities to advance their battles against dispossession.

While the case studies offer only a snapshot, they show the very real danger of dispossession and how it can lead to injustice and violence, often for generations. There are distinct historical and geographical features in the countries covered by this research that make generalisations difficult, but it is clear that civil society organisations, working through peaceful and legal means in countries with a history of violent conflict over land or colonial dispossession, need support and recognition. This is all the more important given the dangers they face.

It is hoped that these will be of interest to organisations and academics working on land issues and, above all, provide strategies for Christian Aid's country programmes so they can better support our partners and the communities they represent. While the Enough Food for Everyone IF campaign may have put land deals on the agenda, the campaign's evaluation reported that less progress was made on land than on other policy issues.⁵⁶

How can Christian Aid support civil society efforts in making the case for pro-poor land reform and building their own alternatives? How can Christian Aid work to strengthen governance and state-society relations for the protection of rights in relation to land?

How can Christian Aid work to strengthen global governance for the protection of the poor from forced eviction and dispossession?

With the exception of indigenous rights and women's rights, there is an absence of clear reference to rights related to land within the main international human rights instruments. However, social movements have increased the international focus on land as a human rights issue, with some now calling for recognition of a 'right to land'.⁵⁷

An increasing number of those struggling to stop dispossession want to keep and protect 'territory' where their ancestors lived and where their historical memories are kept. Land struggles are also about reconstructing and defending the local community so that young people have the choice to stay. Alongside this, many are pushing for a fundamental rethink of the role of small farmers. Christian Aid's work on sustainable agriculture⁵⁸ shows that small-scale farming can work to improve productivity, food security and livelihoods. International organisations⁵⁹ and many national organisations that are current partners of Christian Aid, contest both land being viewed solely as an asset to be bought and sold to the highest bidder and the abuse of human rights in forced displacement.

Methodology

This research report is rooted in the work of Christian Aid's partners in four countries⁶⁰ – Angola, Colombia, Sierra Leone, OPT – chosen because they are part of a coherent programme funded by Christian Aid Ireland with support from Irish Aid.

Additional insight is provided from experiences in other countries: Brazil, India and South Africa. It does not look at all contexts where Christian Aid works on the issue of land.

Literature reviews were carried out to identify key trends and debates at global level, alongside reports from civil society organisations (CSOs) and networks tracking land deals at global and national level, academic working papers and conference presentations, and reports of forced eviction and dispossession.

Case studies were drawn-up based on the work of Christian Aid and its partners in each of the four countries. There was a review of all programmatic work related to land issues, and a brief review of the existing literature and reports covering these countries. 35 field interviews were carried out to get greater insights into how people are responding to land dispossession.

These included Christian Aid programme staff based in each country, partner organisation leaders and programme staff, focus groups and representatives from affected communities where partner organisations work, and other experts.

Transcripts were synthesised under themes set out in an interview guide, this was triangulated against background literature and media sources. The case studies build on the report from a workshop held to bring together partners working in these countries on land issues, held in Limerick in June 2013. Short field trips were carried out by Christian Aid programme staff to carry out interviews. Quotes used in the case study in this report highlight themes rather than illustrate sole evidence.

The interviews aimed first to address how land issues have changed in each context and, in particular, the dynamics and actors involved in dispossession. Another focus was to capture respondents' views on the impact of dispossession on people living in these areas, and determine if any particular groups were affected.

A major focus was to draw out the ways in which affected individuals, communities and organisations have responded to dispossession, and to understand the motivations and challenges shaping these responses. As such, power analysis is an important aspect for contextualising the nature, choice and effect of different responses.

Attention was drawn to the role of human rights defenders, where relevant. The language used to describe dispossession, and the content of proposals and alternatives from those attempting to change, reverse or prevent displacement was also explored.



Participants at Christian Aid's 'The Politics of Land Grabbing: Strategies of Resistance' seminar, June 2013, Kemmy Business School, University of Limerick. From left: Rosamond Bennett, CEO Christian Aid Ireland, and delegates: Joseph Rahall from Green Scenery, Sierra Leone; Salah Mohsen from Adalah, Israel and the occupied Palestinian territory; Jacinto Pio Wacussanga, ACC Angola; Catalina Ballesteros, Christian Aid Colombia; Danilo Rueda from Justice and Peace, Colombia; Marie Luise Schueller from Christian Aid Sierra Leone; Ana Claudia Meneses from Christian Aid Angola and Rafael Francisco Morais from SOS Habitat, Angola. (Photo: Kieran Clancy)

The response to dispossession

Who is responding, and why

Although there is clear evidence of a range of adverse effects of dispossession on poor people, it is difficult to identify clear patterns of how affected people respond to, or resist, these situations. We should not assume that poor people are a homogenous group and will reject all changes in land use and ownership if they are made aware of the details of large-scale acquisitions deals or other changes in land use.⁶¹ Some may be supportive of changes in search of economic opportunity while some may be vehemently opposed. Rather, it's important to understand that responses are influenced by how dispossession takes place, which in turn is conditioned by the time, place and context of power relations.

Power analysis: local to global

Power analysis is central to understanding how context shapes the responses to dispossession. Power is also relational (the capacity to influence others and be influenced by them), and is exercised at a number of levels and in complex ways:

- **At the international level:** International financial organisations, investor home countries and multinational corporations push national governments to uphold international treaty law, and to facilitate foreign investment projects including urban regeneration projects and large-scale land acquisitions. These actors have significant influence on governments as a result of the financial flows that they control.

Investors can also have direct influence on communities by engaging with them and offering benefits attached to land deals, or by persuading pivotal elites at local level to support changes in land use.

Progress on human rights at national level can be eroded by this overlaying of international law, and by the comparative weakness of international human rights mechanisms. Conversely, pressure from foreign governments, regional courts and the UN system can spur governments to uphold human rights norms and principles in forced evictions.

In other situations states may be complicit at the national level in violations of international law and ignore pressure from international human rights bodies or other governments. International actors may also be compliant in this lack of accountability and not push for adherence to international law by certain states due to lack of political will or other vested interests and power dynamics.

- **At national level:** Political elites often stand to gain from foreign investment in land and may use their power to enact policy and legislative changes. Indeed, domestic business groups and political elites may drive land reallocation policies, urban redevelopment, and large-scale agricultural projects and have little interest in ensuring that the rights of the poor are respected. Power holders can often authorise forced evictions, including deploying force. And, inevitably, national government and state agencies also have sway over local government and communities.
- **At local level:** Among local elites, local government, local police forces, farmers' associations, civil society organisations and other community associations, the relative power of different groups is context specific. The nature of governance, the history of conflict and land tenure, and the particular class and ethnic make-up of communities establishes the potential for protest and for effectively countering forced eviction and changes in land use.
- Poor people may be responding to the role of corporate actors, and the nature of inclusion and exclusion from the terms of a land deal, and its impacts.
- Poor people may be responding to the role of the state over expulsion.
- Struggle may be taking place between different groups of poor people, especially different class groups or ethnic groups at local level, as a result of, or exacerbated by, the dynamics of dispossession.

In a given country and locality, the historical trajectory of state-society relations, governance, urban and rural planning policies and the land tenure system will inform the underlying dynamics of power and struggle. Even in reported protests, it is not always clear what the target of resistance is, or if all those involved share the same goal. In fact, there may be a number of different 'struggles' taking place, often at the same time.⁶²

Responses or resistance to dispossession may only become explicit, or escalate, when the affected groups stand to lose everything. Forced evictions often result in violent confrontations when people realise this, especially when they have been given little or no warning.

Yet despite the negative impact of forced evictions, attempts by communities to seek redress can be fraught with difficulties. For example in Zimbabwe, after mass evictions of urban slum dwellers, attempts by them to lobby for public services in their new settlements were inhibited by political polarisation.⁶³ Again, the underlying politics is decisive in explaining why and when organised resistance takes place.

Displacement is interwoven with patterns of control and conflict. Certain populations may be repeatedly targeted with different forms of displacement from land, as seen in OPT and how land is controlled and restricted through closures and the construction of the illegal wall in the occupied West Bank.

In many cases, displacement simply raises new issues in much longer histories of land inequality and conflict. For example, the ongoing conflict over land use in the Bajo Aguán area of Honduras can be viewed as a new phase in a very long cycle of conflict over inequality and land. After more than ten years of legal battles to reclaim lands taken from them, instead of police protection, peasants faced violent seizure of the land by private security forces working for palm oil producers.

The Inter-American Commission on Human Rights reports that 42 individuals linked to the peasant organisations were killed between September 2009 and October 2011.⁶⁴

The violence and repression was driven by the combined forces of the landowner's private security forces and the military and police. The escalation of the conflict led to the imposition of martial law in the region in 2011.⁶⁵ Resistance to the violent seizure of land is part of a long-standing ideological and class conflict in that part of Honduras.

More generally, large-scale land acquisitions are not unambiguous. Prospective investors, state agencies and local leaders can persuade local populations of the benefits of land deals. The prospect of jobs in commercial agriculture and promises of improved economic and social infrastructure can exploit and exacerbate existing tensions. In some contexts, such as Kazakhstan and Ukraine, there is evidence that many small farmers have welcomed land deals as a route out of poverty.⁶⁶

The purpose and actors involved in large-scale land acquisitions may also colour responses. In some contexts, foreign investors may be more welcome than national investors who are viewed as land 'grabbers', and vice versa. Reactions to changes in land use may also vary.

For example, in some cases land deals that seek to develop sugar cane have generated greater resistance than deals for developing jatropha, another plant used to produce biofuels. Each crop would present different problems for the affected communities: jatropha, unlike sugar cane, can be compatible with other forms of farming such as share-cropping or grazing, and harvesting oil seeds is labour-intensive.⁶⁷ Switching land use from food production for local consumption to biofuels for export may be more contentious⁶⁸ but this will depend on local conditions.

Uncertainty as to whether benefits (or indeed negative effects) will materialise often complicates community responses, dividing opinions among those who live and depend on the land, and other actors such as CSOs, local enterprises and elected officials. Even when principles of free, prior and informed consent are largely fulfilled, power still affects how decisions are made. In other contexts, there may be no consultation at all with those who most depend on the land. Regardless of the degree of consultation, the true impact of large-scale land acquisitions may not be known until later.

There may be opposition to particular land changes from the outset. If the state asserts authority over a territory and legally dispossesses land by categorising it as 'unused', it may encounter unified lobbying from affected groups, leaders and civil society organisations. Alternatively, opposition may come later, at the point of implementation, from those at risk of being displaced or those who perceive the terms of the land deal to be unfair. People may only discover the reality of dispossession at the point of displacement and forced removal. At this point the role of the state using coercion and violence to enforce compliance may become central.

Over time, if conditions attached to land deals have not been implemented, opposition to investors and those aligned with the deal may increase. Where groups perceive that they have been treated unfairly, or if land deals have exacerbated existing tensions over land tenure and state-society relations, or tensions between neighbouring communities, resentment may grow.

‘Land deals do not always result in people losing the land, and many of those who face expulsion do not necessarily respond with the kind of resistance that is expected of them’⁷¹

In these cases, struggles may focus on the terms of employment and wages associated with land deals.⁶⁹ Many land deals will not provide adequate employment to provide alternative livelihoods for all of the affected people.⁷⁰

In some cases there may be no evidence of protest at all. Reported protests against forced evictions and land deals are far fewer than reported ‘land grabs’. In addition, some land deals are never implemented.

While sometimes people feel able to act, for others, organisation, overt protest and explicit advocacy can feel too risky. People may fail or feel powerless to mobilise in the face of attacks on their livelihoods⁷² out of fear of repercussions – as, for example, in Cambodia, where in some cases community leaders were routinely jailed for demonstrating opposition to land deals,⁷³ and yet in others they continued to resist.

The nature of responses

There may be no clear pattern of why and when people react to and oppose prospective or actual forced evictions and changes in land use, but protest and resistance is taking place. Responses to dispossession have involved a range of approaches and actions:⁷⁴

- Organisation, mobilisation and awareness-raising at community level.
- Early warning systems that alert to potential forced evictions and changes in land use, and that respond to heavy-handed tactics in the suppression of protest.
- Participating in formal consultations, surveys and attending meetings.

- Lobbying of elected representatives or electoral candidates.
- Letter writing, information campaigns to demand fulfilment of conditions, implementation of laws and respect for human rights.
- Demonstrations and protests, including blocking roads, occupying buildings and land, standing in the way of machinery and works, and peaceful mass marches.
- Direct appeals to, or confrontation of figures in authority, such as local leaders, police chiefs and company officials.
- Forming unions and staging strikes at commercial premises to demand better terms and conditions.
- Media alerts, and direct capacity building of the media.
- Using civil society and international networks to raise awareness.
- Specialised NGO support for capacity building, to lobby official channels and for legal action.
- Legal recourse at national and international level: this can address the consultation process, contractual issues, and environmental objections.

- Coalition-building, by joining up with other organisations and networks working on land issues to develop campaigns – including with conservationists.
- Illegal activities: trespass, sabotage, intimidation and violence.

Some protests are unseen, unrecognised and unreported. James Scott, Sterling Professor of Political Science and Anthropology at Yale University, coined the term ‘the weapons of the weak’ to describe resistance without protest and without organisation, defined as the everyday politics of rural life.⁷⁵

These are deliberate, premeditated and measured actions designed to undermine the powerful without inviting retaliation. In contrast to the open and overt actions described above, these forms of everyday resistance tend to be covert and unorganised: ‘quiet mundane and understated acts and expressions that are rarely organised or direct, in order to contest norms, rules and authority’.⁷⁶

These everyday politics encompass a range of subtle actions, from foot-dragging, petty pilferage, subtle acts of sabotage, not voting, responding incorrectly to surveys, avoiding consultations, using illiteracy as an excuse to refuse to sign documents and non-compliance. It shows that poor people have agency, and can draw on a broad range of approaches: people can manifest discontent, indignation and opposition in subtle and quiet ways, and when necessary this can escalate to become overt, open and combative.

An example of how broad coalitions can bring about strategic changes in land governance, for the protection of the poor, can be found in the massive padyatra peace marches. In the last 10 years these have helped to bring about huge reforms to land policies and regulations in India.⁷⁷

“The fight against land grabbing currently lies at the interface of the climate debate, food sovereignty, indigenous rights, social and environmental justice”⁸¹

But the ‘weapons of the weak’ on their own may also prove to be weak weapons. Resistance may be easily manipulated, neutralised or repressed by powerful interests. To increase the chances of a successful challenge to the terms of a land deal, or for its reversal requires unity within and between affected communities, making it easier to recruit allies at national and international level. In turn, this can build momentum for creating a coalition for bringing about strategic changes in land use and governance.

Strategies for resistance

Resistance does not always have a clear target, and is conditioned by the context in which it takes place. In many cases people initially look to defend how they currently use the land. In the face of change, others work for a strategic change in how the land is used: to maintain or secure ownership and to seek alternative approaches to development, beyond the terms of development policy or particular land deals.

Strategic alternatives can be identified when communities and organisations lobby for changes in land use, in land systems and in governance at local, national and international levels. Rather than simply seeking better compensation for forced eviction, or better terms within a land deal, strategic responses situate dispossession and displacement in a broader contestation of the nature of development, and for the recognition of human rights. Strategic responses are bound up with broader debates, and the complexity of these debates needs to be drawn out in specific cases.

For those looking at the strategic link of land to other issues, land is a governance issue, but this requires a strategy that confronts rather than backs away from the inherently contested nature of land ownership, control and use.

The challenge is to identify actors to mobilise effectively and that this ‘democratic land governance’ involves people’s pro-poor autonomous mobilisation from below, independent state reformist initiatives from above and mutually reinforcing interactions between the two. In contexts where associations and movements are suppressed the role of the community in creating new spaces of representation is even more important.⁷⁸

A number of organisations representing small-holder farmer and campaign for strategic resistance against free trade and large transnational land deals, and against land being treated only as a commodity.⁷⁹ For such groups, redistribution of land is promoted, and it rejects the idea that peasant farming is backward, inefficient or ‘anti-development’. These groups defends small farmer livelihoods and views them as an alternative to the large-scale commercial agricultural model underpinning land deals, and emphasises their role in conservation.⁸⁰

Broadly speaking, actions to counter dispossession take place within political constraints often beyond the immediate control of the poor. In practice, therefore, many community actions of resistance are necessarily tactical or context specific rather than strategic – they aim to delay or change the terms under which dispossession takes place, and often involve a focus on the respect for human rights.

The gender dynamics of resistance

The active participation of women in resistance or general social mobilisation, does not guarantee that women’s rights and gender justice will become priority areas.

While women’s rights in relation to land may be ‘on the agenda’ in civil society movements there is often still strong resistance based on hidden assumptions within social movements and civil society about the place of women in organisations and societies.

These hidden assumptions are often not talked about or challenged but determine how people act and think and therefore frame the response of communities and organisations.

Even when organisations try to prioritise the equal participation of men and women this does not necessarily mean that women will take a central role or will feel empowered. Frequently discriminatory practices and male dominated organisational models and cultures persist. Social movements are not immune from bullying, sexual harassment and violence, all of which can marginalise women’s participation.⁸²

Particular movements working on land have responded to this by forming autonomous women’s organisations, organising training for women and developing the capacity of role models to address discrimination. In recognition that male leaders may accept gender proposals but fail to address inequalities and traditional sexual division of labour some focus on training men to address gender equality rather than just focusing on momentary issues.⁸³

Case studies

This section develops four country case studies: Angola, Colombia, OPT and Sierra Leone, drawing on the experiences of Christian Aid Ireland's programme work in these four countries. It examines the nature of responses and the outcomes. It also gives some brief insights into the experience of partners in Brazil, India and South Africa and other contexts.

Angola

Background

Angola is still recovering from four decades of conflict that destroyed roads and schools, uprooted almost 3.8 million of the population and devastated the remnants of the manufacturing and agriculture industries that survived colonisation.⁸⁴ Since 2002, reconstruction and development has been characterised by the influx of oil wealth, foreign private investment and the concentration of economic and political power in the hands of a small elite.⁸⁵ Although Angola has one of the fastest growing economies in the world, new wealth has not trickled down and there is a huge – and growing – gap between the rich and poor.

Historically, land tenure in Angola has been poorly defined and enforced, and there are few public records.⁸⁶ This lack of a comprehensive system of public records means that people may, therefore, start to rebuild houses, or plant crops, on land that has been designated for other purposes.⁸⁷

Customary land tenure is not formally recognised, creating a gap between the legal situation and the reality facing most people living without formal tenure rights.

In rural areas, despite a low population density and large areas of under-exploited land suitable for agriculture,⁸⁸ rural smallholders and pastoralists often do not have access to adequate land for growing crops or taking their cattle to pasture. A lack of security of tenure and occupation of land in the best areas by the state or private actors granted ownership by the state, contributes to this lack of access.

Added to this are the effects of the war, with the massive displacement of populations, the resulting pressure on the peripheries of cities and the need to resettle former soldiers.⁸⁹

Huge numbers were displaced from their land during the conflict – in November 2012 there were still 553 confirmed landmine fields that need clearing.⁹⁰ Official mechanisms have been weak at adjudicating claims of returning populations in a fair and transparent manner.⁹¹ Land tensions have been acute where community interests conflict with those of public and private actors, particularly in the areas where those returning were not historically linked to the land but have occupied it after being dislocated from other parts of the country.⁹² Ongoing migration from rural areas to cities has created new conflicts in urban and peri-urban areas.

A new Land Law was enacted 2004 ostensibly to deal with the post-conflict context, but there was also pressure from foreign investors for regularisation of property rights.

The law stipulates that the state can only expropriate land for specific public use, and it must declare this purpose when it does so. Anyone whose land is taken for public use has a right to compensation. It includes a requirement that everyone must complete the official process of registering their land and securing title within three years.

The law thus places the onus on individual citizens to seek regularisation, and states that irregularly occupied land may be subject to forcible requisition after the three-year period. However, weak institutional capacity and resourcing for titling processes, as well as high illiteracy levels and a lack of formal identification documents amongst many Angolans – either lost during the war or never possessed – have made this requirement completely unachievable in practice.⁹³

The net effect of this has been to weaken property rights for the poor and strengthen the position of the authorities.⁹⁴ The law sets out some measures for protection against arbitrary land expropriation and eviction.

However there are many contradictions with respect to social and economic development, environmental protection and sustainable use of the land. In addition, the lack of a national land policy means there is no clear foundation of principles underpinning new legislation to coordinate existing legislation, nor to prioritise actions at national, provincial, and local levels.⁹⁵

The evolving context of land issues in Angola

Angola's growing inequality is manifest in the persistence of conflicts over land. Both in the countryside and in cities, some of the poorest and most vulnerable people have been evicted from their homes or denied access to land, in order to make way for developments that further enrich elites.

The struggle for independence, beginning in 1961, was fuelled by the objective to recover land taken through colonisation and occupation, during which a scramble for land drove peasant farmers away from their best lands. Appropriation of land became one of the main sources of discontent towards the Portuguese colonial regime, bolstering calls for independence. After independence in 1975, the Angolan state – in its initial phase as a one-party Marxist-Leninist regime became the owner of all land, and assumed the management of land that was not definitively privately owned.

A radical change of governance came in the early 1990s with the transition from a single-party system to an ostensibly democratic regime and the adoption of a market-based economic model. The economic model demanded the creation of a land market and a legislative framework appropriate for the development of a private sector, able to attract foreign investment in commercial farming and cattle breeding. However, the legal procedures surrounding such land acquisitions remained unclear, and in practice many people simply seized abandoned land and properties for themselves.

Sometimes these were the original owners of the land, who had lost it to the Portuguese colonists.

In other cases they were landless or homeless people displaced from their homes by fighting elsewhere. Often, they were people connected to the dominant political and military group in the area, who took significant areas of lands as 'spoils of war'.⁹⁶ This can be considered a distinct tide of land appropriation in Angola, fuelled by prospects of future investments and deals.

The next phase began after the end of the war in 2002, and has taken many different forms, the most visible of which is linked to urbanisation and state driven infrastructural development. During the war millions of people arrived in Luanda – fleeing conflict, extreme poverty or both.

While informal settlements sprang up, few had or were able to obtain formal documentation to show they owned their homes or land. Angola's economic growth is largely dependent on oil production, which peaked in 2008 and has been declining since.⁹⁷

Luanda has been alternating with Tokyo in the past ten years as the most expensive capital in the world.⁹⁸ With business booming in Luanda and other cities, properties and areas lived in by the poor have become valuable real estate opportunities for businesses and the government. As a result many poor, informal areas have been demolished to make way for shopping centres and gated condominiums.⁹⁹

Forced resettlements of urban and peri-urban residents have taken place most extensively in Luanda and also in some provincial capitals to facilitate development and 'beautification' projects¹⁰⁰ and have been carried out in violation of Angola's own laws and its international human rights obligations.¹⁰¹

Evictions are associated with high levels of tension, violence, forced displacement and sometimes death.

A 2007 report by Human Rights Watch and Christian Aid partner SOS Habitat documents 18 mass evictions in Luanda between 2002 and 2006, which affected a total of 20,000 people.¹⁰² In February 2013, 5,000 people were forcibly evicted from a neighbourhood on the outskirts of Luanda.¹⁰³

The government sent seven helicopters, bulldozers and hundreds of police, military and rapid intervention security forces. Communities are rarely notified of the evictions before they happen, nor offered the kinds of alternatives set out in law. Houses and possessions are destroyed, breaking Angolan and international laws. There are no proper procedures to determine the amount of compensation evictees are entitled to and in many cases it is offered to them only after their property and belongings have been destroyed and without the possibility to negotiate the amount in question.

Where land is offered as replacement it has been remote from services such as water, markets, transport.¹⁰⁴

A series of land deals and discussions between the government of Angola and foreign companies or their local representatives¹⁰⁵ have been documented since 2008. Other reports confirm this trend towards increased attraction of foreign direct investment in land concessions,¹⁰⁶ exacerbating existing tensions around land in rural areas.

Research, *Rural Vulnerability*, climate change and adaption in Angola, commissioned by Christian Aid on also highlights new demands for agricultural land from wealthy ranchers, commercial farmers, foreign investors and government resettlement projects. This has affected subsistence farmers, pastoralists and semi-nomadic communities.¹⁰⁷

A principal concern is the continued lack of due process around land concessions granted to international and national commercial interests, which threatens further the loss of traditional customs, and is linked to forced settlements, inadequate compensation and other abuses. The emphasis on food production for export also means that production will not contribute to local food requirements. Furthermore, irrigation requirements may disrupt water supplies for people living in the surrounding areas.



Cambamba II - a refugee camp in Luanda. The people living here had their homes bulldozed by the government to make way for new apartment blocks in 2004. The land they were removed from is half a mile away and has yet to be built on. There are around 200 families living here and there is no sanitation. Christian Aid partner SOS Habitat is helping to raise the profile of the plight of these families in the national and international media to put pressure on the Angolan government to help them. Photo: Christian Aid / Karen Hedges

Responses to dispossession in Angola

International human rights organisations continue to highlight the restricted context for advocating for change in Angola, including the use of 'unnecessary and excessive force to suppress protests'.¹⁰⁸ According to the US human rights watchdog organisation Freedom House, there continues to be no press freedom and only partial internet freedom in Angola,¹⁰⁹ limiting opportunities to air alternative views via mainstream media.¹¹⁰ Defamation remains a criminal offense in Angola, and journalists are frequently jailed if they do try to criticise the government or the status quo.¹¹¹

People report being afraid of getting involved in collective protests, and being branded as 'radicals' when they put forward critiques of current practices.¹¹² Activism over land in particular has drawn attacks that protestors are 'anti-development'. For example, pastoralists have been depicted as backward and anti-development. Expressing concerns that urban projects may not be culturally appropriate for Angola, calling for participatory urban planning, or highlighting the importance of dealing with agricultural development,¹¹³ represent challenges to powerful vested interests.

As a result of these dynamics, preventing demolitions, evictions and occupations of land is an uphill struggle.

The general strategies are to use legal mechanisms, advocacy, negotiation, and peaceful demonstrations to seek better compensation, improve the terms of resettlement, and where possible to bring evictions and demolitions to a halt.

Even those these strategies used are case specific, there is a clear sense among civil society organisations that a framework must emerge applicable across the board in the interests of building a fairer society. While there have been cases of demolitions halted by civil society, one civil society organisation cites:

If the government wants the land, they will already have a project planned for it and will not change it. [Our] strategy is to ensure people get compensation and new homes, and [they] are consulted on this. The overall strategy is not to resist demolition but to seek compensation...¹¹⁴

Mass protests at national level have been limited, and even creating awareness about land issues is a challenge.

Things are changing: in urban areas, especially among young people, social media is used more and more to denounce abuses and make issues visible. **Civil society organisations have also carried out specific awareness-raising campaigns and demonstrations to get the attention of government and generate more dialogue.**¹¹⁵ These have generated more success when they have provoked significant concerns about Angola's international image and where they generated broad-based support involving affected communities from wealthier classes. For example a national conference organised by Christian Aid partners in coordination with other national and international civil society organisations in 2010 captured considerable attention. 97,000 people were represented, and learning was shared on successful and unsuccessful experiences to resist evictions.

This event, and the national and international pressure it generated, resulted in an apology from the national government for the violent forced evictions of more than 3,000 families in the province of Lubango, and a verbal commitment not to carry out evictions in the same way again.

It is suspected that demolitions in better-off communities also played a role in eliciting this response. While the apology was a highly significant recognition of what happened to the victims, it was not accompanied by reparations, and will not necessarily prevent similar evictions happening in the future.¹¹⁶

As a result of the risks associated with protest, communities have focused on raising awareness about human rights abuses and ways to deter violent evictions, and using negotiation, advocacy, media and legal mechanisms to get better terms of resettlement or increase tenure security.

The support of specialised NGOs has been critical for achieving results. Community organisation is one of the key approaches used by Christian Aid partners to strengthen capacity to respond to land issues.

This involves a range of activities including strengthening leadership, organisation, and democratic processes at a community and inter-community level, and promoting linkages and joint action between affected groups, based on principles of citizenship and peaceful contestation. Extensive awareness-raising and training of activists and community leaders on mediation, administrative processes, and land laws is another element.

Participatory land demarcation of rural land can also help communities to be prepared, decrease the risks of local leaders privately agreeing land concessions, and is a step towards obtaining collective legal titles, provided for under the law, but only ever granted in a couple of cases. **Early warning systems have also been used to understand better and respond to what is going on.**

A civil society interview stated:

*Communities identify changes to land in their areas, for example when they see fencing, new facilities or new roads ... community leaders are trained to analyse trends in land changing.*¹¹⁷

At local level, awareness raising and advocacy takes place through the media, letter writing, petitions, and local meetings and debates. Since a key strategy is to call for adherence to due process and terms of resettlement outlined in national and international law, legal language has been used around land issues. For example:

*[We] use the language of Angolan law -- the Constitution and the Land Act -- and describe things as 'illegal occupation of land'. The debate then becomes whether the acquisition is legal or illegal.*¹¹⁸

Patriarchal norms mean that men tend to dominate struggles against land expropriations and evictions.

In rural areas the decision to have male leaders is also influenced by the perceived physical risk to women of being visibly active on land issues. In urban areas women have actively led and participated in protest. Communities interviewed reported a 'shared struggle' between men and women around land.

However **it is often difficult to sustain women's involvement at leadership levels, due to lower levels of literacy, lack of time due to domestic and employment demands, and gender norms underlying these.**

Christian Aid partner ACM responded to this by using participatory and visual tools when communities were looking at the demarcation of their land. ACC have been working on making the voice of women heard through focusing on issues where land intersects with livelihoods and the long-term effects on family survival.

The **Government is a principal target for advocacy:** the power to halt evictions and grant compensation ultimately lies with them (and in cases of a large scale eviction, usually with those at the highest level are the decision-makers); private bodies and local authorities have limited scope for action. In individual cases **there is some engagement with private landowners and companies to reduce damages, lobby for compensation and/or increase acceptance of the tenure rights of communities.** In some rural areas, landowners may have an interest in local development, Christian Aid staff report that:

*Some of the older landowners, they support partners work by having schools and water in their compounds for communities. In the cities it is more difficult ... in many cases private sector hides behind political partners.*¹¹⁹

In some instances these activities have contributed to opening up space for dialogue with municipal, provincial and national government, with some evidence of increased willingness of the authorities to listen to communities'

demands. Though often representing an individual rather than an institutionalised response, this approach may provide a window of opportunity to consolidate more lasting gains. For example, in Huila Christian Aid partner ACC enabled, for the first time, effective engagement with local government and the private sector on establishing land access and other rights for pastoralists.

The local government has recognised access rights to land for pasture to communities, as well as legalisation of the Ovatumbe Association of Pastoralists. Registration means that they can enjoy more legitimacy in claiming the right to tenure, litigating against injustice and carrying out advocacy at a national level.

National civil society organisations often link with international organisations and networks to publicise cases of evictions and demolitions: mainly by drawing on support from international human rights organisations such as Amnesty International and Human Rights Watch, and highlighting violations of human rights law using UN human rights mechanisms and the African Union. However support from international actors has only a limited effect. NGO and international pressure has not been able to stop urban resettlements.

For example, in 2006 the UN Special Rapporteur on the Right to Adequate Housing called on the Angolan government to abide by basic principles and guidelines on development-based evictions and displacements. The government was also warned that it could be in violation of economic, social and cultural rights. But the official response contested these findings, and it is suggested that the episode led to the restriction of civil society activities.¹²⁰

Protection for civil society and community leaders acting on these issues is vital, and international networks, including specialised protection organisations, also help organisations and communities to adopt tactics to protect themselves.

For example SOS Habitat have tried to increase the protection and security of their staff by adopting communication and personal safety protocols, informing international partners of incidents in a systematic way, and maintaining visibility of actions and any related threats against them in local media. They have facilitated Front Line Defenders training for community leaders and monthly meetings are held to discuss issues.

For SOS Habitat these protective measures have become important because of intimidation. Another Christian Aid partner, ACC, accompanies community leaders as a form of protection, and provided emergency legal assistance to protestors who were arrested and called to appear in court for actions they had taken to defend their land.

Summary: Angola

Decades of conflict and a legacy of highly centralised power structures have given rise to an environment of opacity and uncertainty around land ownership in Angola, and inadequate policy, legal and regulatory mechanisms.

Within this context, **poor citizens living on sought-after land remain highly vulnerable to forced evictions and occupations. Contesting or resisting displacement is risky and public dialogue and collective action on these issues is constrained by fear of repercussions, compounded by limited media freedoms.**

Given these constraints, civil society responses have focused on awareness raising, legal contestation, negotiation and advocacy for a better policy framework and implementation. Challenging the overall direction of policy, and even calling for effective implementation of existing national laws and regulation has provoked responses from those in power, but often accompanied by violence or threats of violence.

Though gains have been limited, civil society organisations have succeeded in halting violent evictions and securing better terms of settlement in some cases, and their joint action elicited an apology from Government, and commitments for better consultation, especially around urban developments. International solidarity has been a major factor for the immediate protection of people and bearing witness to forced evictions. International attention on human rights abuses has prompted some important, but limited responses from the state. Overall, while important victories have been recorded, vested interests in valuable resources, including land, pose a continued threat to long-term positive outcomes for poor people.

“It’s not gifts or handouts we’re asking for, it’s justice. We don’t need companies or anyone else to give us anything. If we have our land, we can raise our children.”

Misael Payares (Las Pavas, Colombia)

Colombia

Background

Conflict, violence, social and political turmoil have characterised Colombia for over fifty years, sustained by the failure of successive governments to promote sustainable and equitable development and the systemic neglect of human rights. Since 1948, Colombia has one of the longest running conflicts in the world, the state, supported by the military, and in collaboration with paramilitaries, has been fighting guerrillas, without resolution.¹²¹

The internal armed conflict and widespread and systematic violence is further fuelled by drug trafficking.

Around 12 percent of the population – 5.7 million people – have been internally displaced exacerbating land inequality. The government estimated that 6.8 million hectares of land had been usurped as of 2006,¹²² the majority of which were originally smallholdings or part of collective territories belonging to indigenous and Afro-Colombian communities.

Crucial peace talks between the Government and the FARC, begun in 2012, will be decisive in shaping the future of Colombia. There is wide recognition that these talks, while they won’t immediately end the systemic violence in Colombia, are an essential step in building a sustainable peace. Although there has been no cease-fire and the violence continues, significantly land reform and rural poverty are principal items on the agenda.

Despite being a middle income country, more than half of rural households in Colombia live in poverty,¹²³ due to the unequal distribution of land and other productive resources.

Colombia is also one of the most unequal countries in the world.¹²⁴ Land concentration in Colombia is biased towards large landowners at the expense of rural small-scale farmers: 0.4% of landowners own 61% of rural land.¹²⁵ Attempts to reverse the concentration of land ownership have been fraught with difficulties.

Alongside conflict, progress in land restitution and redistribution has been undermined by the weak decentralised nature of the state apparatus and limited governance capacity in rural areas. Equally significantly, however, land activists have been murdered in increasing numbers in recent years- from 2010 to 2013 52 land and environmental defenders were killed in Colombia.¹²⁶

The evolving context of land issues in Colombia

The usurpation of land through violence has defined the conflict in Colombia. Typically paramilitaries use direct threats, individual assassinations or massacres to cause fear, causing either selective displacement or mass exodus. Those who take the land then seek to legalise their occupancy – the methods for this vary depending on whether the land is privately owned, part of the indigenous or afro-Colombian collective territories or state property.



Misael Payares (64), he has 6 children. Despite the threats he and his community have suffered, he has fought tirelessly to get the land titles for the land in Las Pavas, Colombia, from where his community was evicted. In 2009, 123 families in his community were forced to leave their ancestral land, which was given to a palm oil company. Christian Aid partner, the Development and Peace Programme of Magdalena Medio (PDPMM) supported the Las Pavas community throughout its battle for justice and land restitution. In May 2011, their eviction was ruled invalid and illegal. They are now back on their land and PDPMM is helping them get the papers to prove their legal ownership and ensure they are never forced off the land again.

Photo: Christian Aid/Isabel Ortigosa.

In many cases private title was transferred under coercion for an extremely low price or without any payment – captured in the paramilitary dictum, ‘If you don’t sell, we will negotiate with your widow’. Some government officials collaborated in legalising pillaged lands and in many cases then facilitated the transfer of land to large investors.¹²⁷

One case in particular highlights the collaboration between the state and paramilitaries in relation to land. In 1997, between 24 and 27 February, more than 4,000 individuals were forcibly displaced. On 27 December 2013, the Inter-American Court for Human Rights declared the Colombian government responsible for forced displacements – a joint operation between military and paramilitary forces under Operation Genesis – and the murder of Marino López, a young Afro-Colombian man from Cacarica.¹²⁸

Over the past 12 years, national and international demand for commercial farmland in Colombia for soya, sugarcane and oil palm, as well as for conservation and fast growing tree plantations has increased.¹²⁹ Further demands for land for mining exploration and exploitation,¹³⁰ and proposals to generate more hydropower, also have implications for land and for access to water. The Uribe administration (2002-2010) and present government have actively promoted the commercialisation of land, on developmental grounds.

A prominent example is the palm oil sector: although Colombia has produced palm oil since the 1950s, internationalisation of the market since the late 1990s has brought rapid growth, as investment offers the combination of sizeable profits and financial support from the state through public subsidies.

The government has been pushing for reform of law to allow foreign investors to buy Colombian land. Often, these investors benefit from tax holidays or “fiscal paradise” and it has proved to be extremely difficult to obtain information about them.¹³¹ These trends have exacerbated issues of land inequality, conflict and weak governance in Colombia.¹³²

Christian Aid partners have described how illegal forced transfers of property titles have taken place, with individuals abusing their government positions and acting with local non-state armed forces, to subvert the protection offered by local government bodies. Some of these corrupt transfers have occurred through judicial or procedural fraud. In some areas, such as the lower Atrato valley, land acquisition deals have been facilitated by defining areas as ‘waste lands’. In this region paramilitaries have been able to transform their returns from counter-insurgency and the drug trade into legal profits from state-supported large-scale oil palm plantations.¹³³

Christian Aid has seen that peasants and small farmers are especially affected by land grabs and associated violence.¹³⁴ Indigenous peoples and afro-descendant communities have tended to suffer the most: weaker groups are most affected because they do not have the power to defend what is theirs. Women are also particularly affected, often becoming head of households and discriminated against for being displaced.

National government, regional authorities and business groups dominate decision-making around land deals, precluding grassroots involvement. International and national firms have engaged in tactics to reinforce their position.

For example, concerns have been voiced that large Colombian companies establish sub-companies in Luxembourg, because a foreign investor gets stronger protection under the Free Trade Agreement between Colombia and the EU. The land cannot then be re-nationalised and utilised by the state.¹³⁵

Oxfam’s recent research, *Divide and Purchase: How land ownership is being concentrated in Colombia*, examines how multi-national companies have managed to evade the restriction on land concentration through the use of shell companies.¹³⁶ The state is effectively allowing land once distributed to small-scale farmers to be legally acquired by large companies. This risks reversing the progress towards the redistribution of land, and makes local participation in land deals even more difficult.

While information is lacking around whether all large-scale acquisitions are connected to the land theft from the conflict, they risk compounding the dynamics of violence and forced displacement. Recent efforts to deal with victims of conflict have failed to engage with this complexity.

The 2011 Victims and Land Restitution Law aims to return millions of hectares of abandoned or stolen land as a result of human rights violations.¹³⁷ A key feature was the recognition of the existence of an armed conflict, something the Colombian government had consistently failed to do.¹³⁸ In practice, the government has been slow to implement the law.¹³⁹

Internally displaced persons who have sought to recover land through the Victims Law and other restitution mechanisms thus far have faced widespread abuses tied to their efforts, including killings, new incidents of forced displacement, and death threats. Since January 2012, more than 500 land restitution claimants and leaders have reported being threatened.¹⁴⁰ Civil society groups also highlight that without economic support and protection, providing a title is not enough to enable people to return to the land.¹⁴¹

Furthermore, while the collective rights of Afro-Colombians and indigenous people have been recognised, smallholder peasants, or 'campesinos' can claim on an individual basis but are unable to claim back their collective land on a legal basis.

Critically, the Victims Law interprets illegal land grabbing as a consequence of the actions of criminal entrepreneurs, who use violent coercion and corruption in order to seize and accumulate land. Yet this assumption:

... reinforces policy makers' and policy analysts neglect of the institutional mechanisms of land grabbing and the entanglement of violent, criminal and legal economic strategies that characterise this phenomenon in Colombia.¹⁴²

In theory the Victims' Law addresses some issues of gender justice for displaced populations.¹⁴³ However although it discusses equal opportunities and the elimination of all forms of discrimination, it stops short of addressing historical gender inequalities in a transformative way. The measures for women include prioritisation of women heads-of-households in the judicial processes of land restitution, administrative reparation, protection and the creation of adequate security conditions. Women are also prioritised under development provisions for restored land, with benefits such as productive credit and technical assistance. The law also seeks redress for crimes of sexual violence and creates some mechanisms to grant assistance and services to victims of sexual violence and to their families, such as the Centre for Integral Attention to Victims of Sexual Violence.

However, in practice, although Indigenous and Afro-Colombian women play a leading role in defending their collective rights to land and to consultation on the use of that land and its resources, they continue to suffer from widespread institutional discrimination.¹⁴⁴ They report disrespect for their roles from Government officials, and that threats against them are not given the same credence as threats against male leaders.

Colombia still experiences high levels of women human rights defenders at risk who are working on labour rights, indigenous rights, environmental and land rights, in general because of the level of threats of sexual violence against women human rights defenders who dare to speak out on these issues.¹⁴⁵

Pre-existing dynamics of conflict mean that the military controls large areas of the country, and has been involved in repression against those that resist agribusiness investments. Human Rights Watch found that paramilitary successor groups – Los Urabeños, gangs or however they are defined and in certain cases FARC guerrillas – are important perpetrators of abuses targeting land claimants and their leaders.¹⁴⁶

Following a demobilisation process, these successor groups have replaced paramilitary organisations in different regions and carry out drug trafficking and other illegal activities. The government maintains that the groups threatening protesters and human rights defenders have no political ideology, that they are just criminals or drug traffickers.¹⁴⁷ Amnesty International states that the government refuses to acknowledge that paramilitary groups, often colluding with the security forces, still operate in Colombia.¹⁴⁸

Responses to dispossession in Colombia

Dynamics and tensions of conflict shape the responses to land issues in Colombia, responses are very much embedded in the history of land and violence. The persistence of stigma attached to protests, as a result of associating them with armed groups (a deliberate strategy by their opponents), undermines efforts to get the issue of land issues onto the national agenda. There is limited coverage in the national press of those most affected by dispossession. The dominant discourse from government and investors on large scale acquisitions focuses on development issues. This leads to protestors being described as ‘anti-development’.

*The language is not the same. The large businesses and investors, just like the government, speak of development, of progress, welfare for the country, and so on. In contrast civil society speaks of ‘acaparamiento’ or a land grab, something that is taken from someone without consent.*¹⁴⁹

The intersection of land issues in Colombia with protests against free trade agreements did bring unprecedented attention to rural Colombia and a lot of sympathy in the cities and at the same time a crisis for the Government, which was unable to handle the situation.

A national agrarian strike in August 2013 was organised by the Colombia Peasants Organisations in response to the state neglect of the sector. The strike lasted 21 days and was met with violent repression from state forces: 12 died with 485 wounded and 4 missing.¹⁵⁰



Las Pavas Community meets to discuss the latest news in the case of their land restitution. The forced removal of civilians from their homes has been a major feature of the 40-year armed conflict in Colombia. The country has the second highest number of internally displaced people in the world. (Around 4.9 million people). Photo: Christian Aid/Isabel Ortigosa

The strikes effectively paralysed the country and generated much greater national awareness about the issues.¹⁵¹

The agrarian movement has developed alternative strategies for the use of land. In particular, the construction of an alternative macro-plan for land – the Plan de Ordenamiento del Territorio Alternativo – shows that clear proposals exist for contesting the developmental arguments around land. These proposals have formed part of the agenda of peace talks, but are at risk of being obscured:

*The agrarian movement in Colombia has offered alternatives, proposals ... to both the government and to the negotiators in La Havana managing the peace talks between the FARC and the government. However, the government has not taken them into account, it is not listening to the opinion of civil society. The FARC have publicly said that they are listening and they will bring these alternatives to the negotiating table however there has been no follow up on these issues.*¹⁵²

Beyond the peace talks, the Government still treats each dispossession case individually, as if divorced from the broader issues of conflict, weak governance and the global dimension of the land rush.

These complexities resonate at the local level. Within communities, taking action and protesting against land issues can be controversial and divisive. **Some communities that have been historically marginalised (very often also victims of forced displacement and in many cases it is women disproportionately affected) strongly defend multi-national projects as they may represent their only hope to gain employment. At the same time there are many communities that resist dispossession, mobilising for the protection and respect of the land.**¹⁵³

Communities affected by dispossession remain isolated and vulnerable. Women and children make up a large percentage of displaced community members and those women who are affected have usually rights related to land via their male partners.¹⁵⁴ Informal marriages, lack of knowledge about how their partners acquired the land and the variety of types of land tenure mean that female heads of households are extremely vulnerable to losing their right to their land. In some cases, the legacy of the conflict can foment tendencies towards armed resistance.

The incremental successes of communities using legal measures has had an effect, convincing other communities to follow a peaceful route, even in the face of intimidation and violence, and often only very slow progress towards results.¹⁵⁵

The dominant approach of Christian Aid's partner organisations in Colombia has been to use a combination of legal means and advocacy work to contest land issues of violent land usurpation and large scale acquisitions.

Taking the legal route usually involves support from specialised NGOs. For example, Christian Aid partner, Comision Interclesial de Justicia y Paz, offers legal advice and takes cases through national, regional and international courts and provides accompaniment, by witnessing and international reporting on the situation of vulnerable populations.

To strengthen the legal process, and develop advocacy strategies, communities have invested in documenting what is going on. Yet uncovering interests can be challenging at local level: people constantly face threats and some leaders have been killed.

Being proactive has been essential: internal organisation, evidence and documentation and the existence of alternative proposals strengthen the capacity, and stamina, of communities to respond. According to an organisation that provides accompaniment:

*Those communities that are proactive are less vulnerable if they know what they want from their land, if they have strategies, ideas, an alternative development plan; then it is much more difficult for someone to come in and manipulate them.*¹⁵⁶

Learning within the community, and between different experiences has been another facet. Christian Aid has facilitated many exchanges for communities from different regions in Colombia in responding to dispossession. In a practical sense, communities have been able to learn about the necessary legal steps to set up a humanitarian zones and the community committees needed. This has been very important and has led to new zones being legally recognised by the Inter-American Court (see box below).¹⁵⁷

For taking action, creating alliances at local level is critical. First, for mobilisation to overcome the dynamics of conflict and break the stigma that associate protests with guerrillas and other armed groups, it must involve recruiting diverse sectors of society to participate in public protests and non-violent civic mobilisation.¹⁵⁷

Second, broad alliances are needed to strengthen advocacy, and to counter strong vested interests. This has included finding common ground with small businesses, and collaborating with universities in research projects.

This is critical for doing advocacy work when up against very strong forces, including national and sub-national government representatives that have been co-opted by mining and agricultural interests.

Other strategies involve brokering dialogue at the local level between different parties to land deals to get better terms of incorporation. This is less common, as political polarisation in the aftermath of conflict tends to mean that communities and displaced people are suspicious of large investors.

There is a strong emphasis on using international and national human rights frameworks to claim back land for people displaced by the conflict, even when the land has been acquired for commercial agriculture or mining ventures. A significant example of national level success was seen following the Las Pavas case. Colombian riot police forced 123 families off the land they had been living on and cultivating, leaving them no time to harvest their crops and telling them that the land had been sold to a palm oil company.

In a significant victory, the Colombian Constitutional Court ruled that the Ministry of Agriculture must re-open their case for legal title to this land- also leading to the Body Shop breaking commercial ties with the palm oil supplier Daabon.¹⁵⁹

Appeals to supranational bodies especially through the Inter-American System, and seeking support from transnational advocacy are used to pressure the Colombian state to act.

The impact of international support is felt on the ground:

*There has been a reduction (of land grabs) as a result of pressure and advocacy from foreign countries, from the organisations that accompany us, [and from] the Inter-American Court of Human Rights. ... first and foremost we actually got close to our land and we can work on it ... we also have achieved recognition of the right to survive on our land. These are enormous achievements.*¹⁶⁰

The international accompaniment of local human rights is an important source of solidarity and provides a bridge between global and local activism. One civil society organisation stated that:

*The presence as observers of human rights defenders has been very important. The physical accompaniment, an everyday support, has given much confidence to the communities ... It also functions as a bridge between the communities and the international community.*¹⁶¹

Using international and national legal systems to press for change has produced results. **To illustrate, humanitarian zones are an important example of how international support and legal approaches have helped communities to resist the appropriation of land and enforced displacement.**¹⁶² The importance of the international advocacy work lies in the fact that the Colombian government is fairly responsive to international pressure because it wants to portray itself as a modern democracy and a regional leader with ambitions to enter the OECD.

Summary: Colombia

Overall in the Colombian case, legal activism around land issues, drawing on the human rights framework at national, regional and international levels has had an important effect in empowering some communities to gain restitution and to contest the acquisition of land by foreign investors, and reversing some projects.

The Colombian experience highlights the important role international human rights frameworks can play as a vehicle for rights-based approaches to land issues, but this may be specific to the Colombian case, and its history of conflict.

The Inter-American human rights system may also have stronger influence than other regional mechanisms. For dealing with international firms, the human rights framework has helped to advocate for the respect of ethical principles, but it is not clear if this offers a route for better governance of transnational firms globally.

More generally, this legal approach seems to have had only limited impact in changing the government's overall approach to the facilitation and regulation of land deals. A principal challenge is to shift the discourse from legal issues in individual cases, to highlight how the global land rush is enmeshed in political and economic dimensions of the conflict in Colombia in a generalised way.

Overcoming this involves revealing the power and interests that facilitate unethical land deals and making space for alternative approaches to the use of land that go beyond the restitution and assertion of legal rights. Alternative proposals have made it to the table in national peace talks, but it is as yet unclear how FARC or the government may formally take on the content.

Humanitarian zones in focus:

Communities in Colombia have used the innovative approach of establishing humanitarian zones to remain on their territory and resist ongoing conflict - they define and mark the areas they inhabit and prohibit any armed group from entering whether they (the community) are there legally or illegally. The zones are based on the principles of distinction between civilians and combatants under international humanitarian law, supported by both the Colombian Constitution and the Inter-American Court of Human Rights.¹ Such zones provide protection for citizens (many have established warning mechanisms in case of threats or human rights violations), in some cases they have prevented further displacement and they allow communities to stay together and fight for their rights. These zones have benefitted not only the populations within the zone but also other citizens who can find a safe space to stay during direct or indirect attacks.

There are 32 humanitarian zones in Colombia, with the first one created in 2001 in Cacarica. Communities decide themselves how to adapt the rules and practice to their own culture and needs. In addition to these zones, communities have established biodiversity zones where they reclaim land damaged by the expansion of agri-business in an effort to protect the environment and restore the land.

1. A Gonzalez, 'Displaced Colombians seek to reclaim land' 2013 <accessed at> <http://www.aljazeera.com/indep/2013/06/2013623123633340561.html>

Some key learnings from this experience of humanitarian zones are:

- National and international support is critical to provide support, legitimacy, protection and recognition. The presence of international organisations and visits from embassies are important in dissuading armed actors from entering the zones.
- Christian Aid partner, the Inter-Church Peace and Justice Commission has been instrumental in supporting all of the established humanitarian zones. They assist communities legally which lead to the zones being recognised by national and international legal bodies. Such legal support also helped communities fight against impunity and achieve accountability for grave human rights violations. They also enabled the zones to be replicated all over the country by facilitating networking between different communities.
- Communities need to clearly mark and indicate the borders of the humanitarian zone and do publicity work to make this visible.
- It is important for the community to consider how it can support itself both economically and psychologically.

Sierra Leone

Background

Since the end of the conflict in 2002, there has been a focus in Sierra Leone on the establishment of new national institutions, the improvement of systems and procedures, and the rehabilitation or reconstruction of damaged community and state infrastructure across the country. In November 2012, Sierra Leone held free, fair and transparent elections, widely hailed as a landmark moment in the nation's journey towards democracy. The political landscape remains polarised, undermining national cohesion and ultimately hindering development. Sierra Leone's economy is expected to grow by around 35 per cent over the next five years, albeit from a very low starting point.

Huge challenges in lifting people out of poverty remain: more than 60% of the people – 3.5 million – still live below the poverty line.¹⁶³

Although now almost under control, the worst-ever outbreak of Ebola is bringing further challenges to Sierra Leone's governance issues. Indications suggest there have been approximately 7,897 cases in the country.¹⁶⁴ The immediate impact of the loss of life is accompanied by hidden harm to all facets of people's lives, including education, maternal healthcare, food security and livelihoods. Women have been disproportionately impacted by the disease.¹⁶⁵

Sierra Leone is rich in minerals, precious stones and metals. In peacetime this has brought increased investment in the extractive sector creating pressures for land and water. Rural areas in the country and its economy are dominated by smallholder agriculture.

Commercial demand for land is affecting the livelihoods of poor farmers. For nearly half of working age Sierra Leoneans, family farming is a way of life and their main livelihood. Agriculture, most of it smallholder, accounts for nearly 52 per cent of the country's GDP.¹⁶⁶ More than 70 per cent of the population, mainly women, depend on the land for their livelihoods.¹⁶⁷

Inequality and tension over land issues were underlying factors that contributed to conflict in Sierra Leone. It is believed that by the war's end in January 2002 almost a quarter of the population, more than one million people, were displaced either within or outside of the country.¹⁶⁸

When thousands of Sierra Leoneans began to return home at the end of the conflict, many found that their farmlands had been destroyed or occupied. Post-war land conflicts and disputes in Sierra Leone stem from problems of land acquisition, contested land boundaries, multiple land sales, fraudulent documents, conflicting authorities over land administration (involving land owning families, traditional authorities and state bodies), land use conversion and the weakness of the land adjudication system. As such, systematic land issues continue to be an underlying source of social conflict and political instability in the country.

Land disputes have been on the rise and the surge in large-scale foreign direct investment is perceived by NGOs as deeply disruptive to customary tenure norms, with concerns over its potential to promote conflict increasingly being raised.¹⁶⁹

Sierra Leone operates under a dual land tenure system. Statutory law is applied in the Western Area, where land can be bought and sold. Throughout the rest of the country, customary law of local tribal communities is the accepted legal structure. The Paramount Chiefs and Chiefdom Councils hold land on behalf of the native community.

Thus land is inherited from one generation to another and is controlled by families, villages, townships, clans or chiefdoms, and each family member is entitled to a piece of land for farming. Under this system, foreigners hoping to acquire land must do so through leasing the land from the land owning families.¹⁷⁰

The evolving context of land issues in Sierra Leone

In peacetime, and especially since 2008, the resumption and expansion of mining activities, and the effects of the global land rush have put increasing pressure on land and water.

In his first term of office from 2007 to 2012, President Koroma's 'Agenda for Change' designated agriculture as the main economic engine to combat poverty and unemployment. Official policy promotes large-scale agricultural investment along with small-holder commercialisation. In practice, large-scale commercial agriculture is prioritised, with the promotion of large-scale foreign investment.¹⁷¹

The use of enticements, specifically tax breaks, to attract foreign investment into Sierra Leone has been a central feature. Recent research estimates that in 2012 the government lost the equivalent of 59% of the budget – or 8.3% of GDP – as a result of these exemptions.¹⁷²

At the same time, there is no clear evidence that the supposed benefits of land deals, in the form of export earnings, jobs and rural development, have emerged.

The Land Matrix, a global and independent land monitoring initiative that promotes transparency and accountability in decisions over land and investment, gives an overview of twenty foreign investors active in Sierra Leone at present.¹⁷³

So far, approximately one million hectares of arable land has been leased or are under negotiation for lease.

This represents 23% of the land that is suitable for farming. The leases are mainly for the creation of industrial-scale plantations to produce bio-fuels from sugar cane and oil palm for export. Most of the foreign investors are European or Asian corporations or investment funds, with a few from the Gulf States.¹⁷⁴

Donors such as the World Bank and its Foreign Investment Advisory Service (FIAS), the UK Department for International Development (DFID), the International Trade Centre (ITC), and the European Union¹⁷⁵ have invested in the capacity to attract FDI through the Sierra Leone Investment and Export Promotion Agency, (SLIEPA).

The contrast between the high level of institutional organisation for attracting foreign investment in land markets and weak institutional capacity for the governance of land use and land tenure issues is stark.¹⁷⁶ Communal land systems and weak governance have enabled the exploitation of poor people who depend on the land for livelihoods. Foreign land deals are facilitated by the problematic designation of 'unused' lands available for investment through long-term lease.

At least 5.4 million hectares have been declared as either 'not used,' 'under-used,' or 'marginal.' Yet research shows that there is no 'unused' land available¹⁷⁷ and that the idea of 'unused' land is a misconception. The prevalent farming system in the country uses bush fallows (commonly known as 'farm-bush' or bush') to restore soil fertility to fields on upland sites. Ideally, these should be left fallow for 20 to 25 years to restore full soil fertility, during which time they still provide numerous valuable plant and animal resources to rural communities.¹⁷⁸

Furthermore, foreign investors are legally protected with disputes to be settled in the UK but no protection at all is offered to the victims.

The Sierra Leone Ministry of Agriculture, Forestry and Food Security (MAFFS) acts as an intermediary in land deals by leasing the land from the communities and then subleasing it to foreign investors, and in developing guidelines for regulating how land deals should take place.¹⁷⁹ Existing guidelines governing land deals contain a series of loopholes and are non-binding and therefore are largely ignored. Some investors have completely evaded negotiation with the government.¹⁸⁰

For investors, requirements can be unclear and change frequently; but more importantly, the framework does not provide adequate safeguards for communities. In addition, the environmental impact of land deals has not been adequately explored or monitored.¹⁸¹

A new draft land policy promises to strengthen regulation of foreign investors, but initial reviews indicate that it will fail to ensure that land investment supports local communities or to enshrine and protect the right to land for women farmers. Complementary guidelines for sustainable bioenergy investment are also likely to be non-binding.¹⁸²

Christian Aid partner Green Scenery has questioned how the principles of free, prior and informed consent can be satisfied when the leases are so ambiguously written.¹⁸³ Communities and other actors have been left out of initial consultations, little relevant documentation about land deals is made public and leases are not available.¹⁸⁴

In general, landowners and users do not have adequate legal representation when contracts are signed. Local leaders and landowners are vulnerable to coercion by investors, and often receive only partial information from agents about the benefits of deals, which can lead to accepting unfavourable terms. False promises have been made: in many cases compensation for lost land or crops is inadequate and does not correspond to the market value of land. In many cases land rents paid are not uniform and even when they are, only half of the rent goes to smallholder farmers; the rest is divided amongst District Councils, Chiefdom Councils and MAFFS.

A Constitutional Review Committee was set up by the Government of Sierra Leone in 2013 with the aim of reviewing the 1991 constitution – Green Scenery and others are pushing for land reform to be addressed as part of this process. The United Nations Development Fund has supported the government of Sierra Leone in developing a new national land policy, which is currently in draft format.¹⁸⁶

Responses to land deals in Sierra Leone

Poverty, illiteracy and a culture of deference to authority and to foreigners makes questioning and negotiating around deals difficult.¹⁸⁸ The terms of incorporation can be prohibitive for generating ‘win-win’ situations. Tracking where the rents and benefits accrue reveals the power relations around land deals, as one civil society organisation reports:

... the company owner takes more than 80% of the profits out of \$54m annually. The traders take 12%, the workers and landowners get 2%. Both local and expatriate, the company takes the lion's share. They say they have given the community 3.1 billion leones (approximately €600,000) for compensation agreements but when you go to the communities there is nothing to show for that with the exception of a few people.... The communities were promised jobs; the companies employ young people who used to work with the family; they get insecure, short-term contracts. They don't give proper employment, just seasonal jobs and they bring in 550 ex-pat employees.¹⁸⁹

The nexus of power relations around land deals in Sierra Leone has made resistance difficult. There are a number of cases where individuals resisting land deals have received threatening phone calls and text messages, and have been accused by government officials of undermining the country's economic development.¹⁹⁰

Tactics like this generates a fear of the consequences of resisting. Companies have created their own civil society organisations to promote the benefits of land deals,¹⁹¹ and also have the power to call on the police to deal with any responses. One community member gave an example of this:

His family held a meeting and decided to resist. They realised giving their land away for 50 years would mean giving it away forever. They wrote to the Paramount Chiefs and they said they objected to the land going ...they talked to the town chief, all the letters they wrote to the district council and the government highlighted that they have no problem with the company but with how the land was being taken. The company was told to go ahead and demolish the plantation. His younger brothers went to the plantation to peacefully try to stop the machines entering – they tried this three or four times. The police came and told them they should not disrupt the company. The surveyor was present and was communicating directly with the police via mobile.

Land deals have caused severe conflicts within families and communities, precluding unified responses from communities.

These divisions reflect broader debates about the wider benefits of land deals, with one community group reporting:

Chiefs and company officials set one village against another. If there is a land dispute, the chief takes the side of the village that will lease their land. Land grabbing has divided families. Chiefs and companies persuade one or two family members to lease and then divide and conquer. Leases last for 50 to 90 years so it is giving up the land for life... often family members are not on speaking terms.¹⁸⁷

*Wherever there is resistance the company can call on the police who immediately act on the company's behalf. Some young men resisted and [were] taken to court - they were found guilty and fined. Some are being held still. Even when people peacefully resist they are arrested. The police, the company and the chief work together. They created another police station in the area. Most people are against this.*¹⁹²

For overcoming these dynamics, a **dominant approach has been to publicise the details of existing deals.**¹⁹³ **At national level media outlets have been used to host public debates and there has been work to strengthen the capacity of journalists with human rights interests.**

Some radio programmes use soap operas to depict the issues in drama, through the Krio language, as a way of creating awareness. **At local level, the work of civil society in raising awareness about the deficiencies in existing land deals has had an effect.** Showing communities the agreements and pointing out the number of hectares that have been taken from specific chiefdoms has stirred up questions, from chiefs and from community members, leading to protests in some areas.¹⁹⁴

Organisation has been a key strategy to unite diverse actors, not just affected landowners and to offset divisive tactics. For example, the formation of the Malen Affected Landowners and Users Association (MALUA) united those with a legal claim to the land, and those who depended on the land. Forming and registering the organisation allows them to speak with one voice, and to be a strong interlocutor at national level.

Yet there are still real constraints to organisation at the local level:

*In Malen if you say you have been affected by land grabs you are immediately against the paramount chief. There are people affected by land grabs who won't speak out or be publicly associated with MALUA as they fear the paramount chief and police. If they are chiefs, they fear that they will be removed and ostracised. Some workers in the company support MALUA but can't speak out. They talk to MALUA in private. If you are a chief you will be removed, your family marginalised. They might register to join MALUA but not register their names. People worry they will lose their jobs if they support MALUA.*¹⁹⁵

A national level alliance, the 'Action for Large scale Land Acquisition Transparency' (ALLAT) was created in April 2013 after a two day national conference on land owners and land users affected by large scale investments in agriculture.¹⁹⁶

This alliance gives individual organisations the strength to contest powerful interests legally, and to create greater awareness.¹⁹⁷ Building this network of organisations across the country has been critical for empowering local actors to participate in national advocacy, and for rapid dissemination of information in cases of arrest and detention of members as a result of activism.¹⁹⁸ The Sierra Leone Network on the Right to Food (SILNORF) promotes peaceful ways of resolving conflicts at local level and gives support when the abuse of human rights is a risk. This includes using multi-stakeholder forums to promote dialogue and to respond when communities or individuals are threatened.

A description by a SILNORF member of the group's work included the following:

*The communities have been harassed by company officials, chiefs, the police ... the communities have told us 'they will have to kill us to make us leave this land'. When we receive these calls we organise emergency interventions with other partners, like the Human Rights Commission, the media - we carry out interviews, take photos, the media is quick to report. That has been effective - when that happens the company can't continue - instead they have to get back to the people with peaceful solutions.*¹⁹⁹

Christian Aid partners also seek out isolated protests and encourage these communities to link up with the new national networks.

This is critical in ensuring that communities are prepared to engage with companies involved in land deals at an early stage. **Specialised NGOs offer support to communities to help them to carry out research, awareness raising and litigation. Local NGOs have been working to monitor and document events.** Community land governance committees have been established to map out the land, in particular to ensure the security of women's access. For example, in 2012, Bread for the World held a workshop on how to use GPS and GIS to produce maps to monitor land deals and document human rights violations.²⁰⁰ Studies and publications have brought evidence of the negative effects of land deals to the attention of the local population.²⁰¹

The involvement of women in resistance is complicated by widespread discrimination, particularly in relation to the ownership of land. While there are some variances in how women can participate in decision making in relation to land ownership according to the region of the country – in general cultural norms mean women are excluded. **There has been increased momentum however by civil society to involve women’s groups on the issue of land,** including a conference focusing on women’s access and ownership of land.

Christian Aid partners reported women are becoming more vocal. Women have been involved in direct resistance against land in some cases, with one reported case of a woman standing in front of a bulldozer refusing to allow a company access.

Economic necessity and dependency on land has meant that women are forced to take employment with companies involved in large scale acquisitions- further complicating their involvement in resistance.

Advocacy has also focused on national laws and policies. For example, in the North of Sierra Leone, community groups pushed for the passing of local by-laws to strengthen the application of national laws already in place. One such law provides for protection of land for women farmers and prohibits the lease of land without the approval of women farming that land first.²⁰² There is also a focus on getting a fairer deal and ensuring environmental protection through Local Content Policies and Community Development Plans. This is a pet project of the Government that is now being used as a focus for advocacy, to make sure it is used properly.²⁰³

As a form of direct protest, farmers have written letters reporting unethical practices around land deals to the national Human Rights Commission. Other tactics include blocking roads and equipment, and resistance to intimidation through court action.

The government has shown some concern about the naming and shaming campaign adopted by local civil society. In some cases, foreign investors have responded to the research carried out on the negative impacts of land deals on industrial agriculture on the environment and people’s livelihoods by expressing a will to engage with civil society.

A national conference organised by Green Scenery in June 2014 advocated that all land related laws to be reviewed and updated every five years in order to remain relevant and for consultation and consensus to be attained for all land acquisition affecting communities across the country.²⁰⁴

International civil society networks have been important for disseminating evidence about land deals and human rights violations in Sierra Leone, putting pressure on companies, donors and the government. Valuable support has also been given to convening national events. Some prominent examples include the 2012 BBC Land Debate: *Is ‘land-grabbing’ good for Africa?*²⁰⁵ which focused on Sierra Leone. In the same year the UNDP led the first national conference on women and land, which brought together women from across the country, activists, the government and NGOs.²⁰⁶

Summary: Sierra Leone

Overall responses to land deals in Sierra Leone have focused on generating awareness and empowering communities to engage with companies and to appeal to national authorities.

Christian Aid's partners feel that civil society cannot stop the government opening the economy to large-scale investment. Activism tends to be limited to revising the terms of incorporation in specific land deals and securing greater balance between the promotion of large-scale agribusiness and smallholder commercialisation in national policy. Mass protests at national level have not taken place, although awareness is growing about the impact of land deals.

At local level, individuals and communities face sustained obstacles in responding to land deals, in securing appropriate compensation and incorporation and in seeking justice for human rights violations.

Using media and solidarity networks to draw international attention to human rights abuses has been a dominant approach. These tactics have been significant for pressuring companies to abide by more ethical procedures and for tempering government responses to resistance, and creating space for officials to listen to civil society concerns. There has been direct engagement with companies and there is some evidence in success in slowing down land deals and changing the terms of incorporation more in favour of land owners and users.

The legal route has yet to be fully tested. Longer term strategies to improve the land law and strengthen governance may help to prevent abuses in future land deals, but are unlikely to reverse the trend of promoting land deals.

The occupied Palestinian territory (OPT)

Introduction

As with all the case studies in this report, context is critical in order to appreciate why different community groups adopt the strategies they do. However, in the case of the occupied Palestinian territory (OPT) there is a fundamental difference that Palestinians have to confront which is absent from the other three. Civil society and community groups in the OPT are resisting what they consider to be an illegitimate occupation which denies their sovereign right to self-determination while displacing many from their land.

Indeed the international community is clear that the physical manifestation of Israel's occupation, the settlements and related infrastructure, is illegal under international law.

Palestinians in the OPT are not seeking equality within an Israeli state, or for Israel to introduce land reforms in the West Bank. Their strategies are designed to support the concept of 'sumud' or steadfastness. They are resisting Israeli controls and land seizures through legal challenges while adopting resilient livelihood strategies that will help them to stay on their land.

Such approaches are not intended to replace a political solution to this conflict. Without such a solution that is guided by international law and reverses illegal acts, it is hard to imagine a viable lasting peace.

The Israeli Palestinian conflict is often described in existential terms with both sides claiming that the land is theirs and central to their respective secure futures. Israel remains unclear about what it considers its national borders to be. In the absence of meaningful challenges, Israel has formally annexed both the Golan Heights and East Jerusalem while developing settlement blocs in the remaining occupied territory, thus, creating "facts on the ground" at the expense of the Palestinian population.

This is not the place to assess competing claims, suffice to say that it is incontrovertible that the impact of Israeli policies and actions on the Palestinians includes substantial historical and ongoing displacement and dispossession.

A significant asymmetrical power imbalance, the lack of a viable peace process and deep Palestinian political divisions have meant that Palestinian civil society has had to resist land and natural resource loss outside the framework of state institutions.

Despite the differences with the other case studies, there are similarities. The Palestinians routinely experience human rights violations and should have recourse to the protection that the law affords. Whether it is due to large corporations, weak governments or nationalist aspirations, loss of land creates vulnerability and increasingly marginalisation for affected communities.



Arabiya Shawamreh in the rubble of Beit Arabiya, demolished on 01 November 2012 for the sixth time. Beit Arabiya was an ICAHD Peace Centre, and was also once the Shawamreh family home. Christian Aid / Sarah Malian

Background

In 1947 the United Nations called for the partition of Palestine, which proposed to designate 54% of the land to the Jewish population and 46% to the Arab population, who comprised two-thirds of the total population of Palestine.

As a result of ensuing protests against the plan, the unilateral declaration of the state of Israel and subsequent armed conflict, approximately 750,000 of an estimated 900,000 Palestinian Arabs who were living in the area that comprised the emergent state of Israel fled or were forcibly removed from their homes. Those who left were dispersed primarily to Jordan, Lebanon, Syria, the West Bank, the Gaza Strip and Egypt.

A further 30,000 Palestinians also left their homes but remained within the borders of the new Israeli state and, thus, were internally displaced. They have never been allowed to return to their homes and villages in Israel, despite the fact that they are now amongst the 2 million Palestinians who are Israeli citizens. Their homes and land, like those of other Palestinian refugees, were either destroyed or given to Jewish immigrants.²⁰⁷

The state of Israel was established on 78% of the land area of Mandate Palestine, on more of the land than had been envisaged in the United Nations 1947 partition plan which the Palestinians did not accept.²⁰⁸

An Armistice Line created a temporary ceasefire boundary which has remained in place ever since. The OPT is one territory comprised of separate pieces of land - the West Bank (including East Jerusalem) and Gaza - and has been under Israeli occupation since 1967.²⁰⁹ This means Israel maintains

a system of military control over the Palestinian population, towards which it has obligations under international law. Approximately half of the total Palestinian population, which is estimated to be about 10 million, lives outside the OPT as refugees.²¹⁰ Within the OPT, 45% of those who live in the West Bank, including East Jerusalem, and the Gaza Strip, are classified as refugees by the UN. This report will highlight strategies of resistance of Palestinian communities living in the OPT.

Developing and sustaining resilient livelihoods is a constant struggle for Palestinian communities in the OPT. Palestinians have progressively lost land since 1967 when the occupation began which has been accompanied by violent conflict and economic decline.

The Oslo Accords of September 1993 failed to deliver significant change on land issues or to truly enable the Palestinian Authority, which was established under the Accords to tackle poverty eradication. Despite the Accords being premised on 'land for peace', some 60% of land in the West Bank (Area C) was allocated under Israeli security and civilian control, resulting in the land being used for illegal settlements and infrastructure for the state of Israel. Area C contains natural resources and land which are essential for Palestinian economic growth.

It is virtually impossible for Palestinians to obtain building permits in this area and community buildings and essential infrastructure, such as water cisterns, are routinely demolished by the Israeli Authorities with the rationale that they are not permitted to be there.

Across this area, which includes East Jerusalem, there are more than

100 illegal Israeli settlements that are home to some 530,000 Israelis. 42.81 per cent of the West Bank has been allocated by Israel to regional settlement councils for settlement construction shrinking the space available for Palestinians to live and develop sustainable employment.

According to the United Nations, in 2012, 25% of Palestinians in the West Bank and 54% in Gaza were food insecure,²¹¹ with 12% at risk of becoming so. The international community has supported Palestinians with significant humanitarian aid. The OPT was the third largest aid recipient in the world in 2011.²¹² Christian Aid recently highlighted how billions have been poured into Palestinian 'development' aid, while Israeli actions have fuelled 'de-development' and undermined a viable Palestinian economy by occupying more land for illegal settlements in East Jerusalem and the West Bank and restricting access and movement for people and goods.²¹³

The evolving context of land issues in the OPT

The military control and occupation of Palestinian territory is comprised of a network of what the Israeli state calls 'security apparatus' including checkpoints, the separation barrier and other infrastructure to enforce closure.

Israel has expropriated land and used it for illegal settlement construction and controlled the Palestinian population in a way that greatly impedes economic growth. The occupation has a direct impact on the Palestinian economy and, as such, on Palestinian people's livelihoods.

The World Bank estimates that Israel's sustained control of the West Bank has resulted in a loss to the Palestinian economy of \$3.4 billion.²¹⁴ Israel controls access into and out of the OPT and imposes significant movement restrictions within the OPT, discouraging private sector investment and undermining internal and external trade. Israel's policy of movement and access restrictions undermines people's access to work, trade and, for some, to their land.

A recent development is the construction of the 712km separation barrier, built largely on occupied Palestinian land, contrary to international law.²¹⁵ Palestinians must apply for permits from the Israeli Civil Administration to build on their land in certain areas; in practice, it is almost impossible to secure these permits.²¹⁶ As a result, the Palestinian agricultural sector has been devastated, by losing access to 40% of West Bank land- often connected with the illegal settlements, 82% of its groundwater, and more than two-thirds of the grazing land.²¹⁷

The Bedouin people have been denied access to customary pastoral land, which even in colonial times was never registered.

Thousands of Palestinian homes were destroyed and more than 108,000 people left homeless in 2014 in the Gaza strip as a result of the seven week bombardment by Israel.

Christian Aid partner Palestinian Agricultural Relief Committees (PARC) witnessed huge losses of agricultural land and fishing boats; destroying the livelihoods of thousands of farmers and fishers whose way of life depends on farming and fishing.

The blockade imposed on Gaza since 2007 has had severe economic and social effects. Alongside the blockade, Israel also increased restrictions on access to farmlands and fishing areas of the Gaza Strip. Between June 2007 and July 2013, 127 Palestinian civilians have been killed, and 761 injured by Israeli forces enforcing the access restricted areas. Between 2006 and 2012, an estimated 25km of cultivated land in the access restricted areas were levelled by Israeli forces.

Until 2012, access restrictions on approximately 35% of all agricultural land in Gaza have resulted in a loss of agricultural produce valued at 50.2 million USD per year.²¹⁸ In 2014, with the blockade entering its 8th year, and compounded by the summer offensive, the humanitarian situation in Gaza has deteriorated further; UNOCHA's 2014 Gaza appeal calls for support to an estimated 490,000 people in need of immediate assistance and calls for \$292 million to meet the food security and shelter requirements of the population. There continues to be a lack of certainty in enabling people to access land and produce sustainably.

In the OPT, land is one of the main sources of conflict, especially the expansion of Israeli settlements and Israeli occupation of East Jerusalem- both of which are illegal under international law.²¹⁹ The illegal settlements fragment the Palestinian territory and restrict Palestinians from accessing critical water and farmland.²²⁰

Many families in Area C of the West Bank are forced to live under house demolition orders.

Responses to dispossession in the OPT

The Israeli occupation circumscribes and delimits the scope and nature of resistance to forced changes in land use and confiscations. The character of the occupation limits the possibilities for resistance, since any perceived civil disobedience could lead to detention or life-threatening attacks. At the same time, Israeli forces actively protect the illegal settlers and fail to protect Palestinian civilians from attacks by settlers, employing two distinct, discriminatory systems of law in the protection of civilians in the OPT.

The capacity of the Israeli state to counter and undermine contestation of land policies has had a number of effects. In 2002 the Palestinian Land Authority was established to look at land registration and protection of land related rights, and a national land policy framework was developed in the Ministry of Planning. However, major issues of control, oppression and restriction caused by the occupation mean that land issues remain at the root of the conflict.

Despite some attempts at reform, the vast majority of Palestinian land remains unregistered. Some organisations have expressed frustration that land has not been prioritised, and no development of a national strategy that CSOs suggest would help defend those affected by confiscations.

International solidarity and advocacy has become an important part of exposing and challenging illegal confiscation of land in the OPT.

Partnerships with regional and global human rights networks support links between organisations working on various aspects of dispossession and other human rights violations across OPT. Christian Aid engages with the Euro-Mediterranean Human Rights Network, and develops strategic advocacy through our membership of the ACT Alliance. Such partnerships support a movement to join the work of grassroots civil society in OPT with international advocacy- they are therefore valued by those involved.

International advocacy strategies in the 1980s **focused on documenting and presenting human rights violations and calling for Israel to respect international humanitarian law which was undermined by the absence of a similar call in the Oslo Accords.** As one civil society actor stated:

Strategies now encourage foreign governments to use appropriate leverage in order to pressure Israel to comply with international law and respect the rights of those under occupation. This now includes ensuring that third party states are not complicit in any human right violations or breaches of the law by facilitating illegal acts, including any act that sustains illegal settlements.

*Working with Churches has been critical for international advocacy, especially in the United States, and increasingly in Europe also.*²²¹

Activities include reclaiming land and planting olive trees in those areas where trees have been destroyed, alongside speaking tours in the United States. Significantly, Christian denominations that Christian Aid and partners have been working with were among the first churches to begin divesting from companies which support illegal settlements.

The support and solidarity of international organisations alongside Israeli peace groups has also been critical, in particular in the form of protective presence.

For example, in Yannun village in the West Bank ecumenical accompaniment is needed on a 24-hour basis to protect villagers from attacks from illegal Israeli outposts.²²²

An Israeli peace group highlighted:

*'We welcome the presence of international supporters. It makes the army respond better. Israeli peace and human rights organisations have been one channel. Israeli protestors face less aggressive treatment in arrest and detention.'*²²³

This was supported by an Israeli human rights group:

'...these organisations may have more success in getting a response from Israeli authorities than Palestinian counterparts. [the Israeli authorities] see [Israeli human rights organisations] as a hassle but a hassle they have to respect, they don't have to respond to Palestinian human rights organisations.'

*There's freedom of information legislation in Israel, it's part of their public image, they are not as transparent as we would like them to be.*²²⁴

New, non-traditional forms of youth activism are having a positive impact in both consolidating international support and in making land a national issue, despite the fragmentation that occupation causes effectively separating people physically from each other.

Youth street protests and demonstrations around settlements and policies have been organised beyond NGOs and political parties, and caused concern among Israeli authorities. Mass arrests of large groups and the intensification of surveillance and data collection took place in the aftermath of protests and in the wider context of political mobilisation in North Africa and the Middle East from 2011.

In 2014, Christian Aid continued its support for non-violent youth activism across OPT, including linking young people across political boundaries. This approach has proven effective in terms of empowerment on issues related to land resulting, for example, in the connection of marginalised communities to infrastructure such as water and electricity. However, in the wake of the war in Gaza tensions escalated across the West Bank and East Jerusalem, sometimes resulting in violence. These were met with violent repression and widespread arrests.

Keeping hope alive is a key issue.

The PARC works on developing the communities' sense of resilience and survival. **Within the OPT, PARC encourages farmers to work collectively and promote agricultural development and diversification of produce in spite of the restrictions imposed by the occupation.**

YWCA works with women, offering a space for women's voices to be heard and to understand the differences in how men and women experience the conflict and displacement.

They support women's voices through a campaign by and for women enabling them to express their aspirations, describe what happened to their villages and supplemented this with research on the different ways men and women see conflict and how they are affected differently.²²⁵

In general women in the OPT can face two levels of discrimination – from the Israeli authorities and from the predominantly traditional and patriarchal attitudes in Palestinian society. The participation of women in resistance to land issues is varied as a result.

Some Christian Aid partners found the participation of women in activism very low while others had dedicated training or capacity building of women to specifically engage them. More men than women are victims of violence and arbitrary arrest.

The critical role of women in building resilience and supporting men and families to stay on their land was highlighted as an often under-recognised form of resistance.

Additionally while women may not be recognised formally in community leadership roles they exert a huge amount of informal influence on how resistance is shaped.

Women in many rural areas play a central role in cultivating land and where resistance takes the form of returning to land they have faced arrest and attack.²²⁶

Using litigation and legal advocacy is one of the principal methods to contest land confiscations and their effects.

Without the support of NGOs or international groups, the cost of legal action is usually prohibitive. In a context where the law is used in a discriminatory way, to consolidate power of the majority over the minority, taking legal action is fraught with complexities. Often the strategy for legal action does not relate to land but to planning, for example seeking to protect existing schools and tree plantations rather than challenging the land confiscation itself.²²⁷

Other issues relate to setting a negative precedent and legitimising a legal system that differentiates between populations based on nationality. This means organisations use legal action in the knowledge that it has limited value, because the Israeli Supreme Court tends to defend its own state policies on land.

The monitoring and documentation of human rights abuses related to land is another approach to protection and advocacy work.

In Yannun the ecumenical companions from the World Council of Churches Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI) document abuse by settlers, arrange international visits and encourage global media outlets to cover the issue. Following a house demolition they will record the name of every villager whose home has been destroyed and supply this information to the UN.

Organisations such as B'Tselem (the Israeli Information Centre for Human Rights in the Occupied Territories) monitor human rights abuses and use this information for advocacy. There is also a strong focus on mapping and historical documents to track changes in land use and planning, and to ensure that records exist for historical villages and tribal areas.²²⁸ B'Tselem also runs a camera programme, supplying cameras to community members to document life under occupation, gathering evidence of violations including the reality of checkpoints and the behaviour of the military forces and the settlers.²²⁹ The cameras provide an element of protection as well as bringing front line evidence to feed into briefings for the international community. They also serve as part of awareness and education activities targeting the Israeli public.

The video evidence generated serves as evidence in court when seeking accountability or when people have been arrested arbitrarily or inappropriately. Most researchers tend to be men and therefore they have a higher portion of male testimonies. B'Tselem are addressing this through gender training.

Direct action and protest also takes place.

Displaced villagers in the West Bank have defied military orders and returned to their land, exposing themselves to arrest and detention by the Israeli authorities. **For some, resistance means staying despite repeated attempts at forced eviction and harassment.** In boundary areas of the Gaza strip some families remain in the face of huge personal risk and threat to life. In Area C of the West Bank the European Commission is funding a project to expand agricultural production, effectively countering Israeli policy.

On-going contestation and resistance to land confiscations have not been able to stop Israeli actions in the main, or significantly challenge the injustices of occupation, but there has been some impact in terms of limiting the potential damage to individuals. Sometimes protests simply stall demolitions, but even a small gain in time is valuable for the people involved even if it doesn't actually change policy.²³⁰

In legal actions, the results are poor through the Israeli system.²³¹ Compensation has been received as a result of cases, but the amounts received are low. There is hostility among Palestinian communities towards accepting compensation, as this can be viewed as submitting to the Israeli occupation and a rejection of the land related rights of the Palestinian population.²³²

Summary: OPT

Overall, responding to land confiscation, forced eviction and demolition of houses in the OPT is complex and enmeshed in the dynamics of the on-going conflict. The overwhelming power of the Israeli state to restrict protests and activism and to change tactics to ensure the implementation of land policies that discriminate against Palestinians, severely limits the scope of resistance.

As a result, international advocacy is critical for giving moral and economic support to affected communities, for documenting and publicising human rights abuses and violations of international humanitarian law, and for securing international pressure on the Israeli state. At the same time, international attention to OPT is divided and largely without sufficient political will to effect lasting change.

Legal actions have a very low rate of success and the impact is primarily to lessen the harm experienced by people losing access to their land and homes. Community mobilisation empowers populations but offers only limited hope. Individual cases and direct protests highlight the common issues, but there are serious difficulties coordinating civil society organisations.

The challenges of occupation and discrimination can fragment the work of civil society organisations in their legal actions and activism – but engagement in international advocacy and with international human rights networks presents opportunities for overcoming this fragmentation.

In the absence of a viable peace process that brings an end to impunity and hold all those who breach international law to account, the issue of land loss and access will not be solved. Thus a remedy requires a political process that is underpinned by international law and supported by an impartial but determined international community.



All that's left of the Abu Aram house that was demolished in Ad Deirat village on the morning of 6 November 2012. Christian Aid / Sarah Malian

Dispossession and resistance in other countries where Christian Aid works

A snapshot view: Brazil²³³

Forced evictions to facilitate large-scale land acquisitions in Brazil reflect profound structural inequality: Brazil has one of the highest concentrations of land ownership in the world. Since colonial times, 'empty' lands have been appropriated, leaving huge estates under the control of single landowners, and dispossessing people who live and depend on the land.

Now 1% of landowners control 46% of the rural lands, while there are around two million landless families. Weak regulation means that land invasion and dispossession continue to take place.

In some cases, these are driven by large energy and mining projects, with the involvement of powerful state agencies and multinationals. For example, the construction of dams affected over one million people who were forcibly evicted from their homes.

There is no single land registry or coordination between agencies working at federal, regional/state and municipal level. Multiple titles can exist for the same property, and corruption exploits weaknesses in the systems.

The Constitution of 1988 stated that all indigenous land should be regularised by 1993. But successive governments have had strong associations with the interests of agribusiness, mining companies and hydroelectric construction. Progress towards implementing these Constitutional obligations was undermined, and only

6% of communities have received titles to date.

The election of a left-wing government in 2002 raised expectations of greater agrarian reform and land titles for indigenous and Afro Brazilian Quilombola communities, but the agro-exporting model has dominated. The exploitation of land and natural resources, with a leading role for the state, has intensified along with the growing involvement of foreign companies.²³⁴

In this context, **the language of resistance to land deals and to forced evictions in Brazil varies, although concerns about the violation of human rights cut across different approaches. Christian Aid partner Movimiento Sem Terra (MST) - Landless Movement - has grown since the 1980s representing the interests of peasants and small producers, arguing for the right to land.**

Tactics have focused on collective action and the Constitutional right to occupy unproductive land, which has resulted in access to land and livelihoods. However the challenge will be for farmers to remain on the land and sustain viable alternatives in the face of the expansion of large-scale projects.²³⁵ The partner Pro-Indigenous Commission (CPI) seeks the right to land as central to the protection of indigenous and quilombola culture and environments, and protection from land invasions. Environmental activism has also been a dominant feature in the Brazilian context, attracting violent responses from landowners and loggers.

Global Witness documents the alarming numbers of deaths of activists: 448 between 2002 and 2013. Information is difficult to get hold of and there is very weak progress in securing convictions. The report declares that Brazil is the most dangerous place to be an environmental and land defender.²³⁶

A snapshot view: India²³⁷

Landlessness, land inequality and conflicts over land are rife in India, and tend to affect members of excluded groups such as Adivasis (indigenous peoples) and Dalits (formerly known as 'untouchables') disproportionately.

Discrimination against excluded groups, and associated extreme power imbalances, mean that the majority of landless and landed poor not only lack political voice but also face violence and other forms of retribution if they become involved in a land dispute or challenge dispossession. The fact of their landlessness or land poverty also contributes to their vulnerability to exploitation (for example as wage labourers or bonded labourers). In this context, the importance of collective action is paramount.

Ekta Parishad engages with government to bring about policy changes. Their demands draw on entitlements in national legislation and international human rights laws.

To attract national attention, massive marches or padyatra have been organised across state territories to highlight the plight of landless people, to raise media attention and to lobby the Indian Government to meet their demands for land reform. In contrast to other forms of advocacy, padyatra is organised through community mobilisation. Marches in 2005 and 2007 involved over 25,000 people on each occasion.

As a result, a National Land Reform Commission was created to develop and reform land policies to meet the demands.

These included the establishment of a National Land Authority, a fast-track courts system to deal with land conflicts and setting up a single window for dealing with land issues, to make it easier for farmers.

From 2006 the Forest Rights Act was introduced giving Adivasis and other forest dwellers certain rights to the land, classified as forest. This legislation has been used to protect people from dispossession, and Ekta Parishad has been campaigning for better implementation of the same.

Another march in 2012 took place to advocate with the government to follow up on its commitments, involving at least 50,000 people. Other advocacy activities include direct engagement with a range of government ministers and state agencies. International networks have been an additional source of support and solidarity.



Tribal chief Jumma, 70, stands in a field of mustard plants; on the land the Bajarangpura village community won rights to through long hard struggle. The community owns 23 hectares of land, on which they can now grow mustard plants, potatoes, wheat and groundnuts. Jumma and his wife Kamala marched in Ekta Parishad's 2007 Janadesh march with over 25,000 other people. It was this, they said, that gave them the knowledge of their rights and the strength they needed to continue fighting for their land rights. Christian Aid / Sarah Filbey



Supporters at a public meeting in Ranchi, Jharkhand. The Jan Satyagraha 2012 campaign belongs to, and is rooted in the experiences of, the Indian people. Yet Ekta Parishad stresses the supreme importance of global solidarity to this campaign, striving for justice on a very global land issue. 'This is our strength' says Rajagopal, Ekta's president, 'and the success of Jan Satyagraha will again be based on how much solidarity support are we able to get.' Christian Aid / Simon Williams

Christian Aid has been working with partner organisations involved in civil society platforms associated with Ekta Parishad.

Ekta Parishad is working on rights related to land. It works to ensure land distribution, and to protect access to livelihood resources. It has grown over the past 25 years and now encompasses around 11,000 community based organisations in a number of states: Madhya Pradesh, Chhattisgarh, Bihar, Jharkhand, Orissa, Maharashtra, Gujarat, Rajasthan, Utter Pradesh, Uttarakhand, Kerala and Tamil Nadu.

Building on popular mobilisation, becoming a national movement entailed the creation of a national core team of land and human rights experts and carrying out a series of thematic consultations.

The movement adheres to the Gandhian principles of non-violence, and the advancement of self-reliant communities and local governance.

A snapshot view: South Africa²³⁸

Despite legal protections, millions of South Africans live in conditions of insecure tenure.²³⁹ Residents of already existing settlements face eviction and threats of eviction as a result of infrastructure and development projects. The expansion of already existing settlements is severely blocked by the state, and the establishing of any new settlements through occupation of land, is crushed by both the state and private landowners.

The International Churches' Land Programme focussed on supporting resistance for the protection of settlements from state violence and on the safety of movement leaders. The following examples from 2013 demonstrate the types of response coming from communities, and the role of international advocacy.

In one case in Ehlanzeni in the KwaZulu Natal, the International Churches have supported communities. Here women are working to strengthen land tenure in informal settlements and secure the provision of basic services and infrastructure. After little response from local leaders, people are losing faith in party politics and in the commitment of representatives to fight their case.

A boycott of future elections is planned and they are taking action themselves. The community has written directly to the local Mayor and requested meetings. Although as of yet it has been difficult to get a response from the authorities, people have been buoyed by taking direct action and by the support of the Rural Network and the Churches Land Programme.

Taking overt action is risky in South Africa, and often attracts a violent response. In Cato Crest, Durban an influx of people moving to the city from rural areas led to increased demand for houses. But authorities failed to provide new homes and there was evidence of corruption in the allocation of existing houses. People then began to build their own homes on vacant land.

The response of the police force was brutal, with people forcibly evicted and beaten and homes and possessions destroyed by bulldozers. **In Durban in 2013 alone, six people were killed while being evicted and 60 have received death threats over protests.**²⁴⁰

Undeterred, the residents of Cato Crescent organised protests including letter-writing, direct engagement with officials and leaders, and blockades. These protests attracted further violence from state authorities, and some prominent leaders were killed. After this, the people sought support from beyond the community and the political party system to raise awareness of human rights violations and threats to life, and of the general situation of housing. The international churches signed letters for the attention of the authorities in support of the people.

Other snapshots

A recent report by the Pesticide Action Network Asia,²⁴¹ described a series of cases of resistance of land deals. While in most of these cases in **Indonesia, Sri Lanka, Pakistan, the Philippines and Malaysia**, the land ‘grabber’ is not foreign, in many cases the state declared the relevant lands as ‘idle’ or government-acquired, and colluded with local elites to fast-track the change in ownership and control.

Responses by the communities affected in each case varied widely, but the narrative places the responses in a broader context of resistance. This was couched as lobbying for redress for violated rights, as well as resistance to large-scale commercial agriculture, and opposition to tourism projects when these projects endanger traditional and small-scale forms of agriculture.

Although the report noted many positive aspects of resistance including awareness raising, cooperation with other sectors to create alliances, and coordinated political and legal action, success in stalling land projects was achieved in only two of the cases described.

In the Southern Amazon region of Bolivia, Christian Aid partners help communities avoid and manage conflict between communities and the police and companies; and support many families to make a living from the forest in a sustainable way.

In 2009, the Mojeño-Ignaciano, Yuracaré and Chimán indigenous groups received the title to the land where they live, farm and hunt. Their territory is over a million hectares and forms part of the national park and indigenous territory TIPNIS.

In 2011, the proposed construction of road through the park prompted an enormous protest march by the indigenous groups, along a 500km route from the Amazon to the capital, La Paz.²⁴² The road project was seen to violate environmental protections as well as the Constitutional protections of the indigenous groups.

After violent clashes with police, the government capitulated and passed a law to permanently protect the zone, stopping the construction of the road. But the issue remains divisive in Bolivia: the law was never implemented and the struggle to ensure fair consultation and participation of indigenous communities in future projects in the area – including road projects – continued.²⁴³ In 2013, the national indigenous umbrella group CIDOB took the case to the Inter-American Commission on Human Rights.²⁴⁴ The government later postponed road construction for three years, until the end of 2015.²⁴⁵

In Kenya, Amnesty International has highlighted how the construction of new roads and urban developments has led to a number of mass forced evictions from informal settlements in the capital Nairobi, contravening national laws.²⁴⁶

In one area, community organisation and activism has sought to anticipate the forced eviction. The Deep Sea community, home to at least 12,000 people, lies in the path of a major EU-funded road construction project that if executed as planned, will run through the settlement. After initial secrecy, constructive engagement has taken place with the Kenyan Urban Roads Authority, responsible for the project. Formal meetings and consultations have taken place with residents, but people in Deep Sea still live under the threat of eviction, with little information, official recognition or support.²⁴⁷

This example highlights how overt tactical action can be limited in the face of government indifference.

In contrast, activism in the Tana Delta in Kenya, in the form of an alliance between pastoralists and conservationists resulted in lawsuits to halt the activities of sugar companies involved in land deals, focusing on land issues in the Constitution as well as human rights issues. The disparate interests were united against the land deal proposed by the sugar companies, but do not share the same vision for how the land should be used.

From this activism land deals in the Delta were put on hold and some investors pulled out of the region, as the government undertook the development of a master plan for land use in the region in consultation with local communities.²⁴⁸ This case illustrates that coalitions of diverse interests can act together to stop land projects, and at least leave space for greater public consultation on strategic alternatives.

A recent report²⁴⁹ from the NGO GRAIN, which supports small farmers, documented successful grassroots opposition to large scale land deals, includes Tana Delta case in Kenya, the withdrawal of investors from Madagascar and other cases in Ghana, Argentina, Peru, Uganda, Senegal, Mozambique, Cameroon, Tanzania, Niger, Colombia and the Philippines. Comparing the cases, the report focused on the legitimacy of the groups responding to the land deals, their capacity to command a response from government, and the use of a variety of legal, political and direct action tactics.²⁵⁰

In all cases, the capacity of people and organisations to react and challenge the actors involved in negotiating and

implementing land deals was critical. Success also seemed to rest on the responsiveness of the home state, the responsiveness of the investing company (and its state of origin), the legal context and the political leverage of the mobilisers.

The language used to express grievances was framed in a variety of ways, depending on the context:

- Environmental costs (in terms of money)
- Conservation and ecological values
- Livelihoods needs
- Indigenous rights
- International conventions
- Nationalism

Overall, tactical responses opposing large scale acquisitions have produced results in some cases. Local people have secured better inclusion in the terms of a land deal, either through sub-contracting of the land, or by securing better terms and conditions for workers in the new commercial agriculture enterprise.

It is notable that in many cases successful challenges mean that land deals have been stopped or suspended. This demonstrates that everyday resistance, alongside more open and overt actions, can have powerful effects. Political dynamics at the local level cannot simply be ignored and overwritten through forced eviction, and the potential for land deals to stoke resistance represents real risks to investments. However investors may continue to look for other suitable sites, or revisit the same area with a series of

smaller projects.

Successful contesting of state-led policies may simply result in a change of tactics by authorities, changing laws or procedures to undermine resistance and implement land use changes in urban and rural settings by other means.

As a result, the outcome of resistance would seem only rarely to mean the transformation of agriculture, or the reversal of state-led development policies, and many, if not all, of the underlying issues around land tenure and the governance of land deals remain unresolved. All of this reinforces the importance of power relations for shaping the response to forced evictions and land deals, and for setting the scope of possibilities for the desired outcomes of resistance.

Findings

Resistance in the case study countries

Despite the challenges and power dynamics that organisations and communities face, resistance has been a feature of all the case studies included in this report.

It is typically the most marginalised that lose out when dispossession happens, groups that are often least well placed to resist. In the face of hugely unequal power relations, vested interests and restrictions on civil society, individuals either use everyday resistance or organisations mobilise and coordinate with others. At the same time civil society is neither united nor uniform in any of the contexts studied and also subject to co-option- the fact that genuine movements and solidarity initiatives have emerged is encouraging.

In Colombia, some long-running campaigns to restore land to people dispossessed illegally have been successful. Communities have endured intense and protracted violence and intimidation. In other cases, this acts as a deterrent for action. After numerous forced evictions in urban areas of Angola, communities continue to push for fair compensation and participatory planning processes.

In OPT, activism aims to highlight and record abuses, and to limit the damage suffered by people. In rural areas of Colombia and Sierra Leone communities are working with NGO support to engage with the actors driving land deals: local government, state authorities, agents, contractors middlemen, and the multinationals themselves.

Although many are opposed to the land deals altogether, activism tends to focus on getting better terms of incorporation. These processes are valuable for gathering evidence about the impact of land deals on strategic issues such as food security, agricultural development, water and livelihoods.

Unequal gender dynamics, discrimination and patriarchal norms complicate the involvement of women in resistance in all countries.

Men tend to be the most active in direct protest and face higher levels of physical threats, however in OPT, Angola and Sierra Leone women were also involved in direct action against dispossession. In recognition of how women's exclusion and inequality is connected to the issue of land, civil society in a number of the countries has established dedicated training and support for women's groups.

Women's resistance can sometimes be manifest in intangible and informal ways.

In OPT both men and women identified the importance of women's supportive role in the family in building resilience and cultivating desire to stay on their land. **Gender dynamics, and the specific impact on women, remain under-examined in the context of forced evictions and land deals.**

Power dynamics have undermined opposition to policies at national levels. In Angola, it is challenging and dangerous to openly contest the interests behind forced evictions and the promotion of land deals, presenting barriers to large-scale collective action.

In Colombia, the legacy of protracted internal armed conflict means there is still a stigma attached to protests over land – nonetheless a national protest did take place over land being seen as a commodity in the context of the free trade agreement with the US, and these issues are on the agenda of on-going peace talks. In Sierra Leone, national alliances are only beginning to debate the nature and impact of land deals.

In OPT the Israeli state overtly controls the scope for responding to land confiscations. **Weak governance and a lack of meaningful transparency** facilitate forced evictions, unethical land deals and undermine a focus on the poor. Corruption, social conflict and political polarisation as a result of forced evictions and land deals threaten to weaken further state-society relations and disempower the poor.

National power dynamics constrain the responses at local level.

The power of exclusion held by political elites, MNCs and state agencies that promote urban regeneration and large-scale land deals is keenly felt in the affected communities. The power to 'buy' the support of local leaders in Sierra Leone, to block and repress contestation and protest in Angola, and the systematic collaboration between paramilitaries and the state in Colombia, act as a powerful deterrent to action.

These dynamics also circumscribe the terms of inclusion in particular land deals and condition the responses from communities. In OPT, Palestinian communities are excluded from influencing land confiscation as a result of the way in which the law discriminates against their rights, with the appeal process often superficial.

Land issues intersect with complex political dynamics in countries marked by conflict. In Sierra Leone land deals have caused severe conflicts within families and communities, precluding unified responses from communities. In some cases new 'civil society' organisations have been established in reaction to specific land deals to guard against such deals - further complicating local dynamics. In Colombia protests against dispossession have merged with protests against free trade agreements, which has helped publicise both issues.

Protestors against new urban construction projects and land deals are often labelled as 'anti-development'. This makes countering land deals problematic. In the cases of Angola, Colombia and Sierra Leone, urban development and large-scale land deals do not provoke a uniform response. At local level differences over the perceived benefits of land deals have caused divisions. Still, in light of growing evidence around the negative impact of land deals, opposition has grown. In cases where demolitions have affected not only the poorest classes of society, campaigns have sometimes had more success in garnering broader-based support and provoking responses from the authorities.

The language used in responses to land issues is varied, even within countries and needs to be nuanced to each context and the opportunities for advocacy at local, national and international levels. In Colombia, there are responses that focus on conservation as a means of opposing projects, using national park designations, and biodiversity zones to protect land from development.

Elsewhere, more general environmental concerns have been used to justify opposition to land deals. For example, Green Scenery in Sierra Leone builds its advocacy on environmental considerations. In Colombia there is significant recourse to the language of international conventions and the regional human rights framework, as well as provisions in the national constitution, as a means of contesting individual land issues.

Provisions for indigenous rights and pastoralist rights at national and international levels have been a focus in some responses in Brazil, Colombia and in Angola. In Angola advocacy actors use the language of the law and human rights. The content of overarching national policies that result in forced evictions and promote land deals are contested by Christian Aid partners, although the term 'land-grabbing' is often unhelpful for advocacy with governments.

The international human rights framework is used to exert external pressure on the state to act. In Colombia civil society organisations have focused on the Inter-American System (the Inter American Commission on Human Rights and the Inter-American Court of Human Rights), and support from transnational advocacy networks, to pressure the Colombian state to act.

In OPT information and documentation of human rights abuses and the impact of Israeli land policies is used to generate international pressure on the Israeli state, including from the UN, the EC and leaders of other national governments.

However typically human rights are subordinated to commercial interests in urban projects and large-scale land deals. The right to adequate housing is frequently ignored in forced evictions while there is evidence of human rights abuses in state reactions to protest and opposition. The right to food is often neglected. Principles of free, prior and informed consent are frequently ignored in the negotiation of land deals.

Most organisations use national laws to challenge dispossession. Legal actions are pursued even when the law itself may be a problem, when the judiciary may be biased or politicised, or when it is clear that legal actions will not fundamentally change the issue.

In Angola partners realise they may not definitively stop a planned demolition but they can focus on securing compensation through advocacy mechanisms, both legal and non-legal.

In Colombia legal strategies are central – even though communities know they face violence, slow results and high levels of impunity. In the case of OPT, legal actions have secured small victories in delaying demolitions, securing compensation for lands confiscation in principle and in challenging planning laws. In Sierra Leone the legal route has yet to be fully tested.

Taking on vested interests is dangerous and the need to assess risk and have protection strategies is critical: activists have been killed, threatened, harassed and imprisoned. Fear of provoking such responses has been a major deterrent to more active protest. Direct responses to dispossession have included letter-writing, lobbying of leaders and elected officials, negotiation, mobilisation of marches and non-violent protests such as standing in front of trucks.

However threats have been used to undermine resistance. People have experienced violent reactions from state authorities in Angola, Brazil, South Africa and also Colombia, where paramilitary organisations also perpetrate widespread violence. Forced evictions and related protests in South Africa have been associated with routine violence.

In OPT any suspected form of protest can be viewed as civil disobedience leading to arrest and detention. In these contexts, even 'everyday resistance' can be inherently dangerous. In Angola restrictions on freedom of expression, with a media that is essentially state owned, help stifle any criticism of the government.

The presence of human rights defenders, solidarity networks and individual community leaders is vital. Physical accompaniment moderates the behaviour of armed forces, offers support to communities and provides a link to the international community or national level advocacy targets.

Civil society space is threatened in the context of forced evictions and land deals. The power of exclusion held by those carrying out forced evictions and those driving land deals at national and international level minimises participation and makes protest and opposition dangerous.

Local activism is grounded in community organisation, mobilisation and advocacy. For the most part, where Christian Aid works in these countries, responses to land deals are peaceful. Actions have focused on raising awareness about the details and impact of land deals and strengthening the evidence about land ownership, land use and land deals in given areas. In Sierra Leone, there has been a focus on transparency and accountability leading to demands for the publication of the details of land deals.

Monitoring and documenting changes in land use underpins advocacy. In Angola and Colombia documentation forms the basis for legal challenges to land deals, and for the better implementation of laws.

Establishing early warning systems has been a focus in Sierra Leone, and to a lesser degree in Angola. In Colombia and Sierra Leone, documentation of the negative impact of land deals has been used to 'name and shame' companies, provoking some response from government and the companies. Similarly, documentation and monitoring of changing land use has been a key feature, but even these activities are considered subversive.

In some cases, those directly affected have used innovative tactics to resist dispossession. Civil society organisations have facilitated the participation of individuals and communities affected in some innovative tactics to monitor land issues. In Angola communities have demarcated their own land territory. In OPT community camera monitors have recorded land related human rights abuses. In India, collective non-violent mobilisation culminated in a series of massive national peace marches that led to political action to reform land policies and governance.

Direct engagement with the private sector has been a feature in some cases. The primary target for advocacy is usually the government or international actors.

However in some cases partners or communities have engaged directly with the private sector. In Angola local government and the private sector have been engaged to deal with land rights of pastoralists. In Colombia, direct engagement and targeting of firms has taken place, but is only a minor feature among strategies of Christian Aid partners. In Sierra Leone, in some cases, foreign investors have responded to the research carried out on the negative impacts of land deals on industrial agriculture on the environment and people's livelihoods by expressing a will to engage with civil society.

The media, specialised NGOs and international actors help to challenge existing power dynamics.

Journalists reporting on land deals, radio debates and even radio soap operas have been important ways to raise awareness about land deals.

Specialised NGOs offer support to isolated and vulnerable people affected by land deals. International journalism has also raised awareness. International organisations have successfully put pressure on governments and donors. In OPT advocacy is only made possible through international support.

In all four countries, careful documentation of the violation of human rights has been used, with the support of specialised NGOs, to raise international awareness. This has had an impact: in Angola the government made a public apology about one forced eviction; in Colombia cases have been taken to the Inter-American Court of Human Rights; and in Sierra Leone publication of cases of repression have brought international and domestic public opinion to bear on the government. In OPT there are now established communication channels between foreign embassies, UN bodies and civil society networks on the ground that contests the dominance of the Israeli government.

Some of the responses to dispossession in these cases have been more or less successful. However while urgent action is sometimes required in certain cases of dispossession, these are long term, structural issues that do not produce 'quick results' and need time and long-term investment and accompaniment by donors.

In Colombia, there are some cases of full restitution of land and control, although violence and intimidation often continue. In others, communities have secured better terms of incorporation in on-going land deals.

However given the nature of power relations, positive outcomes are few, ad hoc and not guaranteed as legal systems are still liable to be politicised and manipulated.

In OPT successful challenges to Israeli policies to confiscate the land of a Palestinian village provoked a change in state tactics, with public services withheld. This demonstrates that strengthening governance remains a critical issue in all cases along with sustaining support to civil society actors challenging huge power struggles.

Tax justice issues are revealed in land deals. Enticements such as tax exemptions have been a significant feature of land deals in these cases. Natural resource management is undermined by the way in which land deals are carried out, and in the limited means available to respond to environmental and sustainability concerns through national systems and lack of adherence to international obligations.

Armed conflict and violence has only recently been resolved in Angola and Sierra Leone and remains an ongoing feature in Colombia and OPT. Tensions over forced evictions and land deals have the potential to reignite and exacerbate conflict at local level and undermine national stability.

Land deals and forced evictions have been linked to peace and national development.

In Angola and Sierra Leone, civil society organisations see land as underpinning national development and for ensuring peace in the future. In Colombia the agrarian movement has developed alternative strategies for the use of land. Partners have engaged with the issue of conflict related to land by trying to mitigate violence and promote dialogue. In Sierra Leone and Angola partners promote peaceful ways of resolving conflict at local level. In OPT civil society organisations continue to work at local level to raise awareness of the critical importance of land for peace and equality.

Achieving strategic alternatives will be circumscribed by the international and national political context, and the potential for coalitions to emerge that can effectively challenge power and bring about change.

Lessons for resistance to dispossession

The findings highlight a number of lessons that are relevant for programming in other contexts:

- Power analysis is important for country staff working on land issues seeking to understand how country programmes can target their response. Integral to this power analysis is the need to understand the political settlement and the incentives for stakeholders, in particular the role of elites.
- A holistic approach to gender analysis and inequality is critical for understanding how to respond to land issues. The different impacts on men and women need to be understood in order to respond to their different, and common but differentiated needs. Organisations need to understand how to integrate gender equality into their daily work and engage men and women in debates about how land is linked with gender equality.
- In countries where land issues are at the heart of violent conflict – be that current or past oppression - it is important to understand the dynamics and intersections with new forced evictions and land deals and to develop strategies to manage risks that individuals or communities may face.
- Information remains critical for mobilising communities, creating an evidence base, building advocacy, and launching legal challenges, media awareness and international advocacy
- At the local level, without pre-existing organisation and an evidence base, responding to land deals is a race against time. The role of specialised NGOs is crucial in ensuring prompt action and supporting communities to respond.
- Early warning systems and pro-active strategies, rather than reactive responses, offer better chances of at least securing better terms of incorporation or adherence to guiding principles and regulations for land deals. Pro-active strategies also offer better protection to communities who are prepared to respond and offer alternatives.
- Collective action and the coordination of civil society matters- particularly when civil society is fragmented. Countering the power dynamics behind land injustice in each country context will require concerted action to raise awareness and build collaboration. Only by working together can localised responses to individual land deals contribute to a debate on strategic aspects of land deals, and a national debate on these issues. Working with diverse and a broad range of actors strengthens advocacy and counters vested interests.
- The gap, at national level, between protection for investors and the mechanisms available to support those being dispossessed can only be partly filled by organisation, capacity building and mobilisation. Engaging to get a better deal for the poor, and improved governance in all public policies and national systems is vital, otherwise even when positive outcomes are secured in individual land deals, better terms are not guaranteed in other deals.
- Alternative proposals carry the risk of being labelled ‘anti-development’ and radical. Civil society has to position itself carefully with alternatives that avoid this labelling. Other ways to counter dominant approaches are to work through related land policies and development strategies.
- For the promotion of human rights in the absence of official safeguards, using national and international networks to publicise cases of violations and mobilise support has proved to be very effective. International accompaniment of local human rights defenders plays an important role, both as a deterrent and for bearing witness.
- International mechanisms have been useful as a benchmark for behaviour, and in some cases for securing better outcomes and as tools for exposing human rights abuses. However the gap in implementation, at the international level, between protection for investors, and protection of the rights of those affected by land deals, must also be addressed. As part of this the role of the international community in protecting civil society space and in supporting civil society in challenging sophisticated strategies by vested interests to abuse power is important.

The case studies in this report illustrate the unfair power dynamics in relation to land that are experienced in many countries.

In Colombia, armed conflict has been used to displace millions of people from their land. In Sierra Leone, where no reliable or widely-recognised records exist of land ownership, those who may have 'superior' rights or ancestral claims may actually be invisible to the central government.

In Angola, land considered almost worthless – open space a generation ago, which has since been occupied and nurtured by refugees from war – is now being 'repossessed' and reclaimed for 'development'. In the occupied Palestinian territory, land issues have become less about ownership and more about control and oppression. In India, millions are in threat of being forced off their land due to schemes such as mining, wildlife sanctuaries, industrial development and nuclear power.

The case studies in this report illustrate how land is often a root cause of conflict or how it can exacerbate tension and lead to violent conflict: Angola and Sierra Leone have made strides in establishing peace and some economic growth over the past decade, but challenges of poverty and growing inequality, along with persistently weak governance, remain critical, particularly in relation to land. Colombia continues to host one of the world's longest-running conflicts, dominated by issues of inequality and land. The situation in OPT remains central to international relations with land is at the heart of this state of affairs.

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