editorial: rights to natural resources

As the world lurches from crisis to crisis, the value of land, water, forests, minerals and other natural resources as sources of wealth creation continues to rise. For those with long-standing ties to land, water and territories, nature’s greatest wealth and value is life itself, and these crises simply confirm the necessity for humans to live symbiotically with nature. However for many, natural resources are things that can be parcelled, packaged, changed, bought, sold and traded in markets far away from the original location of the resource.

The attribution of rights to natural resources reflects these differences. Corporations, financial institutions and many governments promote marketable rights through land titles, water trading rights, emissions trading, etc.

Most governments recognize those who can pay most as rights holders to land, water, minerals and forests. For peasants, fisherfolk, workers, indigenous peoples and rural and urban poor, their rights to resources are legitimate claims to lands and eco-systems that are rooted in respect for nature, as well as their rights to self determination. The realization of these rights is a necessary precondition for building democratic and just governance systems, and ensuring peace and harmony with nature.

The articles in this edition show how peoples across the world are fighting to secure and defend their rights to natural resources and the rights of nature. Spotlights 1 and 2 provide valuable information about tools that can be used to strengthen our struggles, which must include defending and reclaiming the notions of rights themselves from market cooptation.

Shalmali Guttal, Focus on the Global South

subscribe online now!

Leaf - An earth that nourishes Illustration@ Anna and Elena Balbusso www.balbusso.com

who we are

In the last years hundreds of organisations and movements have been engaged in struggles, activities, and various kinds of work to defend and promote the right of people to Food Sovereignty around the world. Many of these organisations were present in the International Nyéléni Forum 2007 and feel part of a broader Food Sovereignty Movement, that considers the Nyéléni 2007 declaration as its political platform. The Nyéléni Newsletter wants to be the voice of this international movement.


now is time for food sovereignty!
Voices from the field

Dominion Farm’s land grab in Nigeria

Farmers in Nigeria’s Taraba State are being forced off lands that they have farmed for generations to make way for U.S. company Dominion Farms to establish a 30,000 ha rice plantation. The project is backed by the Nigerian government and the GB’s New Alliance for Food Security and Nutrition in Africa.

The lands being given to Dominion Farms are part of a public irrigation scheme that thousands of families depend on for their food needs and livelihoods. The local people were not consulted about the deal with Dominion Farms and, although the company has already started to occupy the lands, they are still completely in the dark about any plans for compensation or resettlement. Local people oppose the Dominion Farms project.

They want their lands back so that they can continue to produce food for their families and the people of Nigeria (…).

Quotes from local farmers speaking during meetings with ERA and CEED at Gassol community:

“We were happy when we heard of the coming of the Dominion Farms not knowing it was for the selfish interest of some few members of the State, Federal Government and the foreigner in charge of the Dominion Farms. Our land is very rich and good. (...) But since Dominion Farms people arrived with their machine and some of their working equipment we were asked to stop our farm work and even leave our lands as the land is completely given to the Dominion Farms project. (...)” – Mallam Danladi K Jallo

“We are speaking in one voice against Dominion Farms because we are opposing their activities. We have fish ponds that we inherited from our forefathers on that land, but Dominion Farm has said that they will sand fill all of them to give them more space to plant their crops. When they commenced work on the land they came with security personnel whom Dominion Farms mandated to evict all farmers who were working on their lands.” – Alhaji Maianga Musa

“We do not subscribe to a foreign agricultural and farming system that we do not have knowledge. They came here to farm. The only story we hear is that our land is taken away and will be given out. We were not involved at any level. For the sake of the future and our children, we are requesting governmental authorities to ask Dominion Farms to stay away from our land.” – Rebecca Sule (Mama Tina)

Environmental Rights Action (ERA), Friends of the Earth Nigeria, CEED, full article and report at http://www.grain.org/article/entries/5126-dominion-farm-s-land-grab-in-nigeria

Natural resources and food sovereignty

The defense of and the struggle for our rights to land, water, seeds, breeds, fisheries, forests, oceans, and all the natural resources that we need in order to be able to feed ourselves and our communities with dignity are at the core of Food Sovereignty. But how can we defend and struggle for our rights to resources vis-à-vis powerful national and transnational investors, unfair investment and trade regimes, financialization of natural resources, blatant co-option of states by transnational capital, and militarization, violence and criminalization against those defending their rights to resources? What are the roles for policies and laws in these struggles?

There is no easy answer to these questions. Context matters a lot. What works in one place or situation does not necessarily work in others. Nevertheless, we have some insights that are useful to share, reflect and further develop. Law is one of the means par excellence of exercising power. Any people’s movement trying to change power relationships cannot avoid dealing with legal issues in order to challenge unjust and illegitimate laws, policies and practices; and in order to build alternative normative and legal orders which are instrumental in creating consolidating counter-powers. For social movements rallying for food sovereignty, the question is not whether to use legal strategies, but rather which legal strategies to use.

Here the human rights framework plays a prominent role, particularly when it comes to challenging international legal frameworks that work against the rural poor—such as trade, investment environmental and security regimes—or to defending local communities from abuses by international actors. A human right is a right inherent to all human beings without any discrimination based on sex, origin, race, place of residence, religion, or any other status. Human rights are universal, interdependent, indivisible and interrelated, and seek to protect human dignity. They are derived from the needs and aspirations of ordinary people, express universal ethical and moral values, and empower each human being, their communities and peoples with entitlements and enforceable claims vis-à-vis their own, as well as other governments. To resist oppression is at the very core of human rights. Human rights explicitly address power imbalances and question the legitimacy of the powerful.

Ways of using the human rights framework are highly diverse and depend on contextual factors. Some grassroots groups and social movements use human rights and national laws in defensive strategies to protect their members from major abuses such as persecution, harassment, arbitrary detention, violent forced evictions and destruction of crops, animals and agricultural infrastructure. In such situations, resorting to human rights and/or fundamental rights enshrined in national constitutions can save lives and provide avenues for action that are likely to gather the support of other sectors of society in the face of government repression.

Other groups and movements use human and constitutional rights, and national policies and laws upholding these rights, to raise awareness among their members about their rights, and in doing so to restore self-confidence, dignity and the conviction that resisting oppression is rightful. Raising awareness is crucial to mobilize and organize people to defend their rights. On other occasions, a legal strategy is part of a broader strategy which aims at changing the way conflicts over resources are framed and perceived by society. They combine direct actions and actions of legal disobedience—such as land occupations or hindering the construction of so called development projects—with filling cases before courts or administrative authorities.

Human rights can also be used to challenge illegitimate policies and laws such as the corporate-friendly legal frameworks in many countries and to uphold people’s alternatives proposals for policies and laws opening up spaces for policy dialogue centered on people’s lives.

For sure, human rights treaties, national constitutions, laws and policies upholding people’s rights are not self-executing. They always need to be claimed by people. So far, people’s mobilizations on the ground remain the paramount form of human rights accountability. International human rights soft-law instruments such as the Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests can become effective when social movements appropriate, claim, monitor and implement them on their own. Soft-law instruments can become powerful tools to transmit dissent and resistance to destructive legal regimes (such as trade and investment) and lay the foundations of alternative policy making.

The Human rights instruments that can be used for the defense of land, water and resource at http://www.nyeleni.org/DOWNLOADS/newsletters/Human_right_instruments_land.pdf
Initiatives for the respect and defense of water

On July 28, 2010 in an unexpected move, the UN Human Rights Council adopted by consensus the Resolution on the Human Right to Water and Sanitation (UN Resolution 64/292). Co-sponsored by 74 states, this highlights the importance of the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights. Pushed by the global water justice movements and civil society, its adoption was accelerated by the institutionalization of human right to water and sanitation by some Latin American countries in their constitutions, for e.g. Bolivia, Uruguay and El Salvador.

At least 165 States have signed on to various declarations recognising the right to water, including members of the Non-Aligned Movement and the Council of Europe. The creation of the UN Special Rapporteur on the Right to Water and Sanitation was another positive step towards the respect and defense of water. The first Special Rapporteur Catarina de Albuquerque developed various tools for the implementation of this right.

State actors, civil society and communities have also initiated actions to defend, protect and conserve water as a right, a public good and as commons. One example of this is public and community allocation and management of water services to counter commodification and privatization and promote viable, pro-poor and ecologically sustainable options for the world’s populations that lack access to water.

These include Public-Public Partnerships (PuPs), Public-Community Partnerships and Community-Community Partnerships, which are not-for-profit, mutually beneficial partnerships between public sector water operators, local communities, trade unions and other social-economic groups. These democratic partnerships aim “to link up public water operators and different groups on a non-profit basis to strengthen management and technical capacity.” As opposed to public-private partnerships (PPPs), PuPs offer an innovative and practical way of sharing the expertise of public water managers to spread good practices and ideas in water management, such as ensuring water delivery to urban poor communities, respecting workers' rights, adopting core labour standards and allowing consumers to participate in the determination of water pricing. PuPs also call for providing the social and political support needed for such mutual cooperation.

Another innovative model is the upstream-downstream watershed protection. In the Philippines, civic organisations and public water utilities have allowed local communities to manage and maintain water sources for the cities. The public utilities directly invest in agro-ecological farming practices and in community livelihoods, with the idea that a “good environment will produce good water.” Such models of watershed protection and water service provision are diverse, as they depend on the specific conditions of a particular area. Importantly, these models promote a new vision for water management¹ that re-establish water as commons and make water governance an issue of social and ecological justice and democratization.

Water rights—i.e., how to use, allocate and manage water resources have implications on the realisation of the human right to water and sanitation, and a new vision for water management. Globally, water rights have been used as a political tool in stopping corporate water grabbing, and challenging mining, hydraulic fracking and destructive investments. Citizens’ groups, local governments and affected communities have organised and campaigned to protect their water for drinking, irrigation, agriculture and identity. These include for example: the 2000 Cochabamba Water Wars which expelled Aguas del Tunari (a joint venture involving Bechtel) from Bolivia; Dow Chemical vs Quebec and Lone Pine in Canada, which involves protecting water against pesticides and fracking; El Salvador against Pac Rim and the more recent case of Infinito Gold against Costa Rica; and communities in Plachimada (India) vs. Coca-Cola and Nestle that over-extract and deplete ground water.

The list of International declarations on the human right to water and sanitation at http://www.nyleeni.org/DOWNLOADS/newsletters/International_declarations_water_sanitation.pdf

Box 1 Four laws for the poor in Thailand

Posting a picture of four fingers from the back of a hand on social media is a sign of solidarity with the Four Laws for the Poor campaign. The campaign began in 2008 in response to the continuing concentration of land in Thailand. According to 2014 data, 62% of private land in the country is owned by just 10% of the population. The largest land holding by a single individual is 631,263 rai (101,000 ha). While nearly 750,000 rural families possess no land at all, 70% of privately owned land is idle land. The Four Laws for the Poor campaign seeks to address disparities in land ownership and challenges faced by marginalized peoples regarding access to land. The key goals of the campaign are to have four bills proposed by social movements made into law and implemented, in order to address the long-standing land and justice issues. The campaign is mobilizing public support through social media and public events. According to the Thai constitution, citizens have the right to submit a bill for consideration by the parliament and enacted into law if backed at least 50,000 signatures. The four bills proposed are:

1. Progressive land tax bill – the bill will impose different tax rates on land—particularly high taxes on idle land-- to encourage efficient land use and avoid land concentration. Those who own a lot of land will be induced to use or sell excess land to avoid tax burden.

2. Public land bank bill – The public land bank will enable access to land to landless individuals and peasants through rent or purchase at low rates for livelihood and habitation. Portions of funds collected through progressive taxation and other financial supports from the state will be used to operate the public land bank. The land bank will also serve as a community fund for collective ownership and management of land and natural resources.

3. Community land and natural resource management rights bill – the bill will provide legal recognition of collective rights to land and natural resources in both management and ownership. The bill will also establish legal infrastructure for communities to file class action suits against state and non-state actors, and determine the roles-responsibilities of the state to support the collective rights of communities.

4. Justice fund bill – Since the Thai state has declared that lands originally occupied and inhabited by rural people are now “forest reserves”, the number of people charged with encroaching on these lands has been increasing. This bill will establish a fund for providing financial support to individuals and communities facing such criminal charges. The fund will cover the costs of legal battles/processes such as bail, court fees, etc.

The four bills are clearly interconnected: they will address land inequality and respond to both, urgent and longer-term needs of rural peoples. The Four laws for Poor campaign is one of the biggest campaigns on land issues in Thailand, led and supported by various social movements, community based organizations and landless networks from different regions of the country.

Box 2 Reclaim the field network in Europe

Reclaim the Fields (RtF) is a constellation of people and collective projects willing to reassume the control over food production. We are determined to create alternatives to capitalism through cooperative, collective, autonomous, real needs oriented, small scale production, thus putting theory into practice. An important role of the RtF network is to link the local practical action of the various groups with global political struggles. One key topic we are working on is the question of getting access to land. Currently the network spreads across Europe and there is a variety of approaches included – collective farms, land occupations, protest camps, urban farming projects, anti-GMO activism, etc. Being connected in a European network allows these local initiatives to share ideas and experiences, gain more public attention in concerted actions and directly support each other.

Currently land grabbing processes—which are occurring in Europe, just as in other parts of the world—increasingly put land under control of the interests of capital accumulation. People and projects involved in RtF are putting up resistances against these land-grabbing practices in many different places and settings, and using different strategies. One well known example is the successful occupation and defence of agricultural land and forests in Notre-Dame de Landes. The planned construction of an Airport by the company Vinci could be prevented through determined resistance of local farmers and activists. Now many young people have moved to this area they call “La ZAD”, different collectives have started to revive the abandoned farms and are now growing food there.

The annual gathering of RtF, which was this year held in January in Nottingham, United Kingdom (UK) provided a platform for the activists to engage in theoretical debates and re-organise the thematic work in different working groups. For the coming year, plans were made to organise an RtF camp in the UK at the site of a newly planned mega-prison. RtF camps offer a program of workshops and are usually a place to spread the ideas to a wider audience and to support local struggles in the region. Additionally some RtF members are planning a trip to Greece to link up with different projects. These examples show that we consider it important to build alliances with other social movements, because in the attempt to (re-)gain control over our lives agriculture is just one—although very important—aspect among many.

You can find more information about the network and involved groups at www.reclamedfields.org or get in touch by mailing to contact@reclamethefields.org.

To read, listen, watch and share

- Focus on the Global South, The Global Campaign on Agrarian Reform, and Land Research Action Network (LRAN), Keeping Land Local: Land Struggles III: LRAN Briefing Paper Series, focusweb.org/landstruggles
- Focus on the global South, Where Have All the Small Farmers Gone? The Story of Agriculture and India Farmers, 2014 - focusweb.org/content/where-have-all-small-farmers-gone-story-agriculture-and-indian-farmers
- Focus on the global South, Making Agroecology Viable for Small Farmers: Experiences From the Field, 2014 - http://focusweb.org/content/making-agroecology-viable-small-farmers-experiences-field
The Bukittinggi Paradigm: towards an agrarian revolution

Agrarian and aquatic reform in the 21st Century must be struggles for justice that democratize agrarian structures and build new social, economic and political relations. They incorporate space, territory, water and biodiversity. To counter the destruction of several decades of neoliberalism, the new agrarian-aquatic reforms must be revolutionary and transformative, end land and resource concentration, and resist counter-agrarian reform. Elements of the vision include:

**Food sovereignty:** agrarian and aquatic reform must be founded on the principles of food sovereignty and have as its central pillar, the concept of territory. Food sovereignty demands secure access to and control over farmlands, seeds, breeds, forests, pastoral lands, migratory routes, fishing areas, water bodies, seas, coasts and eco-systems by peasants, fisher-folk, pastoralists, indigenous peoples and workers. It cannot be realized without land and resource sovereignty, and the rights of food producers to govern their territories-domains, including their customs, rules and agreements for protecting, using and sharing domains across geo-political boundaries.

**Redistribution of power:** expropriation and distribution of private lands that do not serve a social purpose to landless/land-poor families, the over-arching goal of redistribution is to redistribute power and alter power relations in favor of small-scale food producers, their organizations and movements. Such redistribution cannot be carried out through market mechanisms. Agrarian reform must balance the priorities of peasants, family farmers, fisher-folk, indigenous peoples, the landless, pastoralists and other rural communities, emphasizing the particular needs of women and youth.

The right to resources, territory and self-determination: agrarian and aquatic reforms must guarantee rural people secure access to and control over their lands and territories, restore pride of identity and the dignity of peasants, indigenous peoples, fisher-folk, pastoralists, workers and women. It must respect the rights of mother earth, the cosmovisions of different cultures, and local autonomy and governance with equal rights for women and men. Communities of food producers should be able to make decisions over the use, management and preservation of their lands, territories and resources, with priority to the rights of women, youth and historically marginalized groups.

**Defense of land and territories:** all possible measures—legal, regulatory and direct action—should be used to defend lands, water, territories, minerals and biodiversity from expropriations, capitalist enclosures, commodification and destruction. Land and territory must be defended as social/collective wealth, not simply as individual property while at the same time respecting and upholding the rights of mother earth. Land speculation must be prohibited, and state and private corporations must be prevented from acquiring large expanses of land. These include community/collective titles to prevent individual land parcels from entering the market, opposing market mechanisms in land governance, peoples’ counter-enclosures such as land occupations, and mobilizations in public spaces and fora to build popular support for our struggles.

**Address poverty, unemployment, hunger and distress migration:** agrarian reform must create enabling conditions for enhancing standards of living for the majority and for reviving and rebuilding rural economies, including for example, public provision of good quality, affordable and accessible services in health, education, electricity, water and sanitation, transportation, recreation, credit, banks, markets, etc. It must reverse the distress migration of rural peoples, enable the reinsertion of peasants back on their lands and ensure futures for young people in the countryside.

Rural-urban land sovereignty: A new vision must address the reality of urban areas in relation to land, water, housing, food and essential services. The same forces of speculative capital that drive land grabbing in rural areas are behind the real estate speculation that cause mass evictions of the urban poor. A strong-rural-urban alliance to resist common enemies requires rebuilding inter-dependence between producers and consumers, and revisiting concepts of social, economic, political and environmental justice.

**Models of production, distribution and consumption:** should be non-exploitative, environmentally responsible and slow down climate change. Energy policy is especially important since land, forests, rivers, seas and sea-beds are being captured to feed high-energy industries and lifestyles. Production models should empower and enrich small-scale food producers, not force them into debt traps or value chains they have no control over. Production and distribution models should be based on food sovereignty and agro-ecology, and support the recovery of native seeds and breeds, water harvesting, locally generated renewable energy, revival of traditional foods and re-building local food systems.

**Peace, justice and dignity:** food sovereignty, agrarian reform and defense of land and territories are struggles for peace, justice, dignity and life. A new agrarian reform must mobilize forces to end state, military and corporate occupations of lands and territories, oppose war and militarization of our economic systems, and challenge the criminalization of our struggles.

For the full Bukittinggi synthesis, including the steps to realize the “vision”, see Keeping Land Local, Chapter 9: http://focus-web.org/landstruggles

---

* The international meeting “Agrarian Reform and the Defense of Land and Territory in the 21st Century, the Challenge and Future” was organized by La Via Campesina and the Global Campaign on Agrarian Reform (GCAR) to discuss the global conjuncture and identify key elements of a common strategy for agrarian reform, food sovereignty and the defense of land and territories. Over 150 representatives from peasants, fisher folk, indigenous peoples, youth, workers, women, landless workers, human rights and research organizations participated in the meeting, which was held in Bukit Tinggi, West Sumatera, Indonesia from July 10th-13th 2012.

---

Join the space Global Convergence of Land and Water Struggles during the World Social Forum in Tunis from 24 to 27 March 2015.

To indicate your intention to join forces and to request more information, please contact bergamasco@cospe-fi.it

Endorse the joint declaration Rights to Water and Land, A Common Struggle developed at the African Social Forum in Dakar in October 2014 at farmlandgrab.org/24085
Do we want these tomatoes?

Since January 8, approximately one hundred farmworkers have been camping in front of one of the Soprofel-Idyl's packing units in Agadir in protest against their working conditions. This French-Moroccan company produces and exports food products from the Souss region, mainly the vegetables — including the tomatoes — that fill European supermarket shelves. This battle concerns us all and is in urgent need of international support; agribusinesses exploit workers, devour natural resources, destroy land and water supplies, and threaten food sovereignty — not only in Morocco but also across the world.

The full article and more links: http://soberaníaalimentaria.info/otros-documentos/luchas/184-queremos-estos-tomates

Peasants and rural workers claim their rights as guardians of Mother Earth

On 5 February 2015, La Via Campesina, The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF), World Forum of Fisher Peoples (WFFP), The World Alliance of Mobile Indigenous Peoples (WAMIP), International Indian Treaty Alliance (IITF), Federation of Rural Adult Catholic Movements (FIMARC), Centre Europe - Tiers Monde Cetim (CETIM), FIAN International, Centro de Estudios Legales y Sociales (CELS) provided a joint declaration to the second session of the opened-end intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas.


Killing of land rights defender in Thailand

On 11 February 2015, land rights defender Mr Chai Bunthonglek was shot and killed at his home in Chaiburi District, Surat Thani Province by gunfire riding on a motorbike. Chai Bunthonglek was a member of the Southern Peasants’ Federation of Thailand – SPFT (Southern Peasant Cooperatives), a network formed in 2008 to campaign for the right to agricultural land in the Khlong Sai Pattana community in Chaiburi District, Surat Thani. Mr Chai is the fourth activist to be assassinated from the Khlong Sai Pattana village. The community members of Khlong Sai Pattana continue to be threatened with forced evictions and violence by armed personnel closely linked the Jew Kung Juy Development Company, despite the fact that they won court cases in the Court of First Instance and the Court of Appeals against the Company. Although these victories affirm the legal rights of community members to their lands, the company continues to occupy these lands while the case is pending in the High Court. Here it is a letter asking General Prayuth, Prime Minister of Thailand to investigate: http://focusweb.org/…/letter-protesting-murder-land-rights–…

Ethiopia: stealing the Omo Valley, destroying its ancient Peoples

Aland grab twice the size of France is under way in Ethiopia, as the government pursues the wholesale seizure of indigenous lands to turn them over to dams and plantations for sugar, palm oil, cotton and biofuels run by foreign corporations, destroying ancient cultures and turning Lake Turkana, the world’s largest desert lake, into a new Aral Sea.

What is happening in the lower Omo Valley shows a complete disregard for human rights and a total failure to understand the value these tribes offer Ethiopia in terms of their cultural heritage and their contribution to food security.

There is growing international concern for the future of the lower Omo Valley in Ethiopia. A beautiful, biologically diverse land with volcanic outcrops and a pristine riverine forest; it is also a UNESCO world heritage site, yielding significant archaeological finds, including human remains dating back 2.4 million years.

The Valley is one of the most culturally diverse places in the world, with around 200,000 indigenous people living there. Yet, in blind attempts to modernise and develop what the government sees as an area of ‘backward’ farmers in need of modernisation, some of Ethiopia’s most valuable landscapes, resources and communities are being destroyed.

A new dam, called Gibe III, on the Omo River is nearing completion and will begin operation in June, 2015, potentially devastating the lives of half a million people. Along with the dam, extensive land grabbing is forcing thousands from their ancestral homes and destroying ecosystems. […] Megan Perry / Sustainable Food Trust, The Ecologist, 16 February 2015 Full article at: http://www.theecologist.org/News/news_analysis/2754229/ethiopia_stealing_the_omo_valley_destroying_its_ancient_peoples.html

Many worlds are possible

Articles are copyfree. We encourage people and organizations to reproduce or copy them. Citation of the source is appreciated.