

Status Paper

LAND GRABBING IN SOUTH ASIA



Land Grab in South Asia

Increasing acquisition of agricultural land by international and domestic corporations and investors has increased phenomenally over the last few decades. The socio-economic, human rights and environmental impacts of this is tremendous. Advocates of land acquisition for industrial and agribusiness argue that it provides enormous opportunities for melioration in agricultural practices and bring forth jobs, benefiting economic growth. However, evidences from the ground suggests that land grabbing aggravate poverty and food insecurity due to massive displacement of the poor and vulnerable populations and damages the environment. It is also a global enclosure movement where large tracts of cultivable land change hands through deals often negotiated between states and capital with negligible participation of the local communities who depend on access to those lands for their livelihoods.



South Asia is no exception to this. Rather, the region has witnessed large-scale land loots and massive displacements about which precise information is often hard to access due to high levels of secrecy and opacity around such deals. The adverse impacts have destabilized the situation like never before with the poor and impoverished communities, indigenous peoples and the environment bearing the brunt. The advocacy for large-scale land acquisition emphasises on economic growth that is seen as a key to alleviate poverty. However, this process subordinate environmental concerns and socio-economic rights to profits. The effects include depletion of natural resources, ecological imbalance, social and human rights abuses and exacerbated poverty for local populations. The problem has been complicated due to the separation that exists between environmental, human rights and legal frameworks. The sustainable development policy frameworks attempt to create an equilibrium between these but, it has often failed to find the requisite balance between development, economic, environmental and social justice concerns.

Another striking factor about current land grabs is their abruptness. Many land deals, opaque in nature, are quickly agreed and signed immediately dispossessing

the population of their vital resources. These deals cause sudden exclusion processes spelling the end of previous livelihoods for large number of communities. These have been carried on under tensions and violence, forcible displacement and terror, by both state and non-state actors evocative of the English enclosures in 18th and 19th century and forcible colonial appropriations. The impacts have been brutalizing and traumatic resulting in the denial of right to food, the common ownership rights of indigenous peoples, the right to housing and water. These in turn trigger a larger set of infringements on access to education and health care, subordination of cultural and legal rights, participation and discussion. The right to give, or withhold, prior, free, and informed consent; and secured access to effective remedies—including decent rehabilitation measures and compensation. The access to justice is most often absent in cases of large-scale and other land acquisitions.

Country Situations

Afghanistan

This war ravaged country has produced widespread corruption, weak regulations and social safeguards. Land grabbers – often powerful officials - have utilized these loopholes to seize around a quarter of a million hectares of land in Afghanistan over the last decade. The victims face a system rife with forgery and corruption. It is estimated that less than 34% of the land has been surveyed and legally registered, leaving the rest vulnerable to land-grabs, in a country where 80% people depend on agriculture. The Afghanistan Land Authority has recorded complaints of 240,000 hectares of land usurped in the last decade.

The continued conflict and governmental apathy to carry out progressive reforms has motivated powerful armed individuals and groups to loot state and private lands in the northern province of Kunduz. These illegal armed groups have absolute control over many districts and continue grabbing lands. The armed people and groups have so far grabbed 8,000 acres of government lands. The provincial council accuses local officials of collusion in these land loots. Above 14,000 acres of state and private land has also been usurped by powerful individuals and government officials in northern Baghlan province. According to the Land Authority, the list of 1,744 land grabbers has been prepared and sent to the central government, the Provincial Council and the Attorney Office, but there has been no response. In the meantime, Khochi Tribe Authority, asserts that thousands acres of tribal pasture land has been grabbed by coercive individuals. Another report states that over 65,000 acres of land had been looted by former jihadi commanders and worse still, some of the land grabbers are still in power. Around 50% of pasture areas in Badal Mast, Kar Kar, Gaz, Hassan Tal and Tangi

areas in central Baghlan district have been seized. Till the end of former President Hamid Karzai regime, a number of powerful individuals and government official taking full advantage of their authority had grabbed government and private lands. The problems stem mainly from an ineffective land registration system. Approximately 80% of Afghan land ownership is not formally registered. In situations where claims on property do exist, the documents are often undependable or they are simply unheeded in an overburdened judicial system where bribes and other forms of corruption are common. Local strong men tend to see the land around them as theirs for the taking.

Over the last decades, land disputes have become a permanent feature in this country. Frequently influenced by the abuse of state power, often exploding into open conflicts, they are very seldom addressed by the government, properly. The usurpation of an astonishing amount of quality agricultural land in the most fertile of Afghan provinces, Nangrahar is a feature that has defined the country's land grab.

The Afghan state has been unable to live up to its important role of regulating land ownership. It always strives to solve conflicts through compromises and deals struck among an elite of power-brokers, and only very rarely tries to enforce legal provisions. Authorities at the provincial level have followed suit, arranging countless meetings between the parties, but never bringing the matter to an end by supporting the rule of law. Courts have failed to address the issues, either due to corruption or intimidation, and commissions have stepped in their place, without achieving much – except maybe mitigating major outbursts of violence. The widespread perception that the state is unable to act resolutely on the matter of land disputes has become a major incentive for land grab by powerful individuals, illegal occupation of state land and self-interested intrusion in the disputes by a plethora of powerful local actors hoping to reap economic or political advantages for themselves.

Besides monumental corruption schemes involving state officials (although they do indeed exist sometimes), bureaucratic inertia, opportunistic conservation of the power balance among strong men and sheer fear of reprisals from them complicate the situation beyond justice and solution.

Bangladesh

Bangladesh demands attention as a land acquisition hub for several reasons. It has one of the highest population density in the world. 61% of its land is arable and 60% of Bangladeshis are employed in agriculture. Yet, only 3.7% of the overall land base is permanent cropland, indicating an enormous divergence between what is permanently and provisionally cultivated. Even as its population increases, the arable lands of Bangladesh have fallen from roughly 9 million hectares in the 1990s

to 8 million hectares at present. This indicates the transformation of cultivable land to other uses and entails displacement of large masses of people. The land transformation is dramatic, as are the human displacements that come with them. However, land predation by elites, the state, and the military, are mostly ignored. Ravening interests deracinate and force out small producers especially, in char areas. These powerful interests often combine a mixture of government inability and collusion to realize their goals. Eventually, a large number of peasants are displaced by more powerful interests that seek to benefit by usurping their small, precarious holdings. In the second instance, land predation also occurs, but in and around urban areas. It is again mobilized by elites, facilitated by their privileged access to government and military networks, and entails bribery, bullying, and coercion which is on the rise.

Many farmers who operate in the urban shadows of Chittagong and Dhaka experience displacement as their rights to work, to belong in stable and secure communities are lost. Eviction is sometimes disguised; as the value of farmland appreciates and triggers land grabs through various means over which small farmers have little control. Land dispossession assumes multiple forms and entails the wielding of considerable power, both private and public. People are forced to move from places where they are secure, often by powerful developers, investors, and speculators, and with little warning, consultation, or transparency. This process of forced resettlement is also engineered by state institutions through urban renewal projects, infrastructure corridors, enterprise zones, government complexes, buffer zones, roads, and military facilities, to the denial of land rights to indigenous or nomadic communities or the usurpation of land and other critical resources. Criminal and opportunistic elites often are the perpetrators of these forms of displacement as they capture key parts of the legal system, manipulate land records, call upon the government to remove squatters and slums with police or army assistance and otherwise encroach on lands- both private and public- ripe for development or re-development.

There is also targeted land grab through the Vested Interest Act, a law that was enacted when Bangladesh was still part of Pakistan. The law allowed the government to take over private property from religious minorities and indigenous people whom they declared as enemies of the state. Yet four decades after Bangladesh's creation minorities continue to be the victims of this law. Even though it was repealed sometimes back local authorities continue to use it to take over land.

Bhutan

Bhutan, synonymous with perpetual happiness and the famous Gross National Happiness index has a history of dispossession, as brutal as any South Asian countries. It is the world's biggest creator of refugees by per capita. In a single

strike in the 1990s, the country expelled the Lhotshampas, an ethnic group with its origins in Nepal which made up one-sixth of Bhutanese population. More than a quarter century has passed but thousands still remain in camps in Nepal.

The government forced many evicted people, almost all, to sign the voluntary migration form before leaving the country. The local authorities also seized the documents that people have which can prove their Bhutanese nationality, to ensure they cannot produce them again in the future. These actions have made it incredibly hard for people to return to Bhutan. The lands that belonged to these people were grabbed by families close to the monarchy, military officers, bureaucrats and others that are close to power.

In the absence of any democratic structure it is difficult to estimate the overall land grab in Bhutan. Nevertheless, news trickles in about several land grab in the country, indicating its regularity. The Gyelpozhing land grab incident included people who lost land and plots to influential ones. The illegitimate distribution of plots in Gyelpozhing, by the Bhutan government was mired in controversy. In Gyelpozhing the 1980 Royal Kasho on land, whereby only the His Majesty the King can allot land has been violated and land has been distributed to influential people who are not eligible. It has also been found that the plot allotted across the river to the Prime Minister, Lyonpo Zimba, Lyonpo Leki, His Holiness Je Khenpo and five members of the royal family was originally government land.

There are also reports that the most influential officials in the government with Prados have got prime lands in the Southern Dzongkhags and some of the rural population have been deprived of their ancestral properties. As far as land and related disputes, irregularities and even legal matters are concerned, authorities turn a blind eye.

India

As the resource demands of globalisation increase, land has emerged as a key source of conflict in the country. In India, 65% of people are dependent on land while a global economy wants land for mining and for industry, for towns, highways, and other infrastructure projects. The commodification of land is fueling the corporate land grab in India, through many channels but especially, with the creation of Special Economic Zones, Industrial Corridors, mega infrastructure projects and investment in real estate.

Land is being grabbed for speculative investment, for speculative urban sprawl, for mines and factories, for highways and expressways. Land is being grabbed from farmers after trapping them in debt and pushing them to suicide. In India, the land grab was earlier facilitated by the toxic mixture of the colonial Land Acquisition Act of 1894 and the deregulation of investments and commerce through neo-liberal policies. Through this the state could forcibly acquire the land from the

peasants and tribal peoples and hand it over to private speculators, real estate corporations, mining companies and industry.

The largest democracy of the world is destroying its democratic fabric through its land wars. While the constitution recognizes the rights of the people and the panchayats (village councils) to democratically decide the issues of land and development, the government is disregarding these democratic decisions - as is evident from the POSCO project where three panchayats had refused to give up their land but the land acquisition went forward violently.

The use of violence and destruction of livelihoods that the current trend is reflecting is not only dangerous for the future of Indian democracy, but for the survival of the Indian nation state itself. India claims to be a growing or booming economy but, is unable feed more than 40% of its children, is a matter of national shame.

Amongst mounting resistance and strong opposition to such practices the Indian parliament was forced to enact The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, (LARR) 2013, which replaced the colonial legislation of 1894. This was one of the biggest reforms in the arena of land governance in the South Asian region. However, following the failure of the BJP government's efforts to dilute it through its land ordinances issued after 2014, six states have used constitutional provisions to make new laws. Other states have developed rules under the Act to dilute the rights of landowners and land dependent people in the face of land acquisition.

The major reason to undo this law is that it comes in the way of providing land cheaply and quickly to investors. The LARR will go down in history as the law that was brought in by social movements and dismantled by the country's democratically elected leaders in favor of capital.

Maldives

The country is about to become a hunting ground of corporates through policies aiding land grab, by an authoritarian government. In the Maldives, every couple after marriage gets a plot of land from their registered island. The land belongs to the state. However, commercial use of land to grow crops, run guesthouses, or even for mortgage is not restricted. A new era dawned in the early 1970s with the introduction of "residential" or "guesthouse" tourism.

This tourism has been both a boon and a bane for Maldives. While it has brought prosperity to some, it has also pushed towards the relocation of islanders to Malé and Hulhumalé, and through an amendment paving for land grabs, the government has forced Maldivians to abandon their atolls and migrate to make way for commercial use of land. The amendment includes the following provisions:

allowing lease of islands for 99 years to private investors for building resorts; introduction of Special Economic Zones (SEZ) that threaten local governance and allow corporate ownership and rule of Maldivian atolls; 8th amendment to Tourism Law removing the requirement for open bidding process in awarding islands, land or lagoons in Maldives; amendment to the constitutional clause 251 allowing foreign investors to own land in the Maldives. The results of these amendments show that developers and few oligarchs from the Maldives and some foreign countries such as China and Saudi Arabia are getting what they want– beautiful islands with pristine beaches free of locals.

Due to its deliberate nature (The President's Office 2015), the drive to force locals to migrate to Hulhumalé by the state is a violation of the resolution against forced displacement of natives. Sometimes, governments term involuntary movements as migration to avoid the responsibilities to safeguard basic human rights that are sacrificed by displaced persons and hide the involuntary nature of their movement. If this island grabbing masked as development continues unabated, the Maldives could become a country where 100% of the population will be forced to live on one tiny island city.

Nepal

Agriculture is the biggest contributor to Nepal's economy and is the main source of livelihood for 66% of the population. Small-scale, fragmented subsistence farming is characteristic of rural life. Average household plot size is 0.8 hectares, and 70% of households cannot meet their basic needs with landholdings of this size. The most vulnerable groups in Nepali society tend to be the lowest social castes, indigenous groups and women. This affects their ability to access, use and control land, and their ability to ensure food security, and makes them more vulnerable to land use change and expropriation.

In Nepal, large-scale land acquisition seems to be growing in a bit different way from global practices, indicating engagement of domestic actors (domestic real estate and agro-based companies) for acquisition of large tracts of agricultural land for housing and commercial farming purposes. Multi-national (foreign land deals) as well as national companies (domestic land deals) are actively engaged following similar principles, mechanism and pathways of global land grabbing. Mechanisms are legal procedure or arrangement i.e. purchasing and transfer of land ownership from local farmers to companies (real estate and agro-based agency). Local brokers employ tactful ways especially compelling local farmers to sale their land. Similarly, alternate business model like contract farming or out grower, in case of agro-based multi-national or domestic real estate companies are also found as other ways of land dealings. It can also be considered as indirect form of land grabbing and important form of indirect land use change. The major actors such as business people, investors, and local brokers are found to be

engaged in this phenomenon for economic benefit. In this process, economically well off people are main and active investor and appear at the forefront. Few political and social leaders also work with them or are engaged invisibly. Hence, it creates or develops nexus among the politicians, land brokers, bureaucrats, and business people for fulfilling the economic interests. This elite nexus can easily resolve the problems like administrative and legal processes that arises during accumulating, plotting and selling land.

The negative impacts of these process are rapid purchase and transfer of land ownership results into dispossession of land and increasing number of landlessness; unwanted or forced sale from local people due to land broker; tensions between local broker and local people. Land acquisition is also at the center of a debate surrounding the shift of small holder farming land into the commercial sectors of real estate and large-scale farming. This shift in land use patterns has many direct and indirect relations with socio-economic and political dimensions. Further, it impacts local livelihoods, economic opportunities and natural resources. The current modes of land acquisition seem to undermine local community rights, create irreversible changes in land use, compel land sales, exploit customary tenure, increase household food insecurity, skewed distribution of land resources, and increase the number of land conflicts.

Pakistan

In Pakistan, the government has opened the door to a vast corporate takeover of fertile farmland. The majority of Pakistan's population – as much as 70%– relies on agriculture. For decades now, they have been subjected to a capitalist, neoliberal model of agriculture that has failed to either benefit farmers or strengthen the food supply – as demonstrated by the global food crisis. Corporate-model agriculture has thrived at a great cost to peasants, small farmers and indigenous peoples across Pakistan, whose land and labour has been targeted by greedy foreign interests and local elites. 70% of the Pakistani people lives in rural areas relying the agriculture sector, and the dilemma is that 50 percent of the total rural population is landless. Unequal landownership patterns in Pakistan has spread out the miseries of poverty, food insecurity, poor health facilities, illiteracy and even the gender injustices within societies as well family level. The neoliberal hit of galvanising the hunger, poverty, unemployment and landlessness was accomplished during the regime of General Parvez Musharaf through the promulgation of Corporate Farming Ordinance 2001 later on approved by cabinet in 2004 with the identification of availability of vast agricultural land pockets for foreign companies.

The game of greed has not stopped over there – it goes on as local and international land mafia who has eyed on islands pockets of the country for the construction of Island Cities, destructing mangroves & endangering species as well

indigenous societies. The Zulfiqarabad Mega City project, approved as Zulfiqarabad Development Authority Bill in 2012 by the government of Sindh, would acquire the deltaic region of four taluks of Thatta District such as Kharo Chhan, Ketibander, Shah Bander and Jati. The city will utilize about 70% of the land in the four coastal sub-districts. This project will also pose existential threat to endangered Indus delta, mangroves, various fish species and deltaic heritage. It will displace more than three hundred thousand people. Most among those are indigenous fisher-folk.

About 50% of Pakistan's rural families are landless and if the land grab menace not halted prematurely, it would trigger droves of land deals, acute resource shortages. A land deal will not only compromise livelihoods it also cause widespread displacement as is in the case of Zulfiqarabad Mega City.

There are also several reports of urban dispossession with the land grabbing by mafias particularly in and around Islamabad, Lahore and Karachi. In some cases, housing authorities have allegedly colluded with property developers, who employ private militias to secure the land. There is an acute lack of integrity in property and land issues in Pakistan which is imperiling the lives of millions.

Sri Lanka

A cabinet memorandum has provided details of the new "Sri Lankan Land Alienation Policy to Promote Development Activities". The memorandum outlines how the policy will open the doors for investment in private agricultural production and create special zones for industries and tourism.

The document states that "if Sri Lanka is to reap the maximum benefits from post war opportunities and prosper as a middle income country . . . it is important to revisit the country's land policy to enable investor facilitation". Despite promises not to implement World Bank liberalisation policies promoted in the Sri Lanka Poverty Reduction Strategy, this memorandum exposes the current government's plans to go ahead with policies that will allow land grabbing, destroying the livelihoods of the country's smallholder farmers.

The new land alienation policy is simply granting legal status to a modern wave of land grabs, plundering of our resources and exploitation of cheap labour. Earlier, in August 2010, a group of armed people evicted 350 families from Panama and burnt their houses and belongings. Several villagers were injured. Later the villagers found out that the land was intended to be used for a tourism development. The evicted villagers resisted the land grab and founded an organisation. Several protests against the land grab took place and several court cases were filed. In February 2015, the cabinet of ministers decided to release the land. However, the land was never handed back to the villagers. In March 2016,

the villagers took matters into their own hands and occupied their land. They constructed temporary huts and started to cultivate their land.

Shortly after the eviction, the villagers founded the Panama Pattuwa Protection Organisation (PPPO) in an attempt to get their land back. As a first concrete step, they filed a complaint with the Human Rights Commission Sri Lanka (HRCSL). The HRCSL recommended handing the occupied land back to the people. However, the Sri Lankan Navy (SLN) and Air Force (SLAF) prohibited villagers returning to their land. The evicted people were homeless and deprived of their traditional livelihood as farmers and fishers.

The villagers filed several court cases, a fundamental rights case at the Supreme Court and several complaints with the HRCSL. Pressures on the newly elected government, forced it to release 340 acres back to the people. However, this decision was never implemented. The security forces continued to occupy the peoples' land. Therefore, in June 2017, a petition with 20,000 signatures demanding the immediate implementation of the cabinet decision was handed over to the Presidential Secretariat.

In March 2016, the villagers took matters into their own hands. On 27th March, with the help of a local NGO National Fisheries Solidarity Movement (NAFSO), the people of Raagamwela entered their own land forcibly. Since April 2016 the villagers have occupied their own land but the land has still not been handed over officially, one and a half years after the cabinet decision to do so.

Land and sea grabs are a major challenge to the Sri Lankan people, already ravaged by natural disasters like Tsunami and the civil war.

Stop Land Grab – Time to Act

All over South Asia, while thousand of hectares of land are acquired – forcibly or through other coercive legal mechanisms- millions are dispossessed and severe threats on environment looms large. Yet there are many more deals remain undocumented, countless of stories unheard and barrages of devastation unnoticed. Already, there has been widespread forced evictions and denial of access to key land and natural resources for millions of women,



small- scale food producers, pastoralists, gatherers, forest dwellers, fisher-folk, and tribal and indigenous peoples. Access to and control over land and natural resources is, however, crucial to people's livelihoods and to ensuring their rights to food, water, work, housing and a healthy environment.

It is necessary that governments of the region develop a regulatory framework to halt this catastrophe. The urgent considerations for our policymakers are as follows:

- Implement comprehensive user rights on land, fisheries and forests through a participatory and inclusive mechanisms that prioritise the rights and needs of legitimate users, especially women, dalits, indigenous groups, minorities, others.
- Reform public policies and projects that facilitates land grabbing, and instead support policies that priorities the needs of food producers and sustainable land use.
- Regulate land deals so in a manner that is accountable for respecting socio-economic rights, peoples' land rights and environmental, social and labor standards. This includes ensuring that investors carry out comprehensive human rights due diligence, are transparent and are fully accountable throughout all their operations at home and abroad.
- Guarantee public discussion and the free, prior and informed consent for all communities affected by land transfers, including the fair and equitable participation of all groups within local communities, especially excluded and marginalised groups such as women, children, minorities, dalits, indigenous people and others.



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