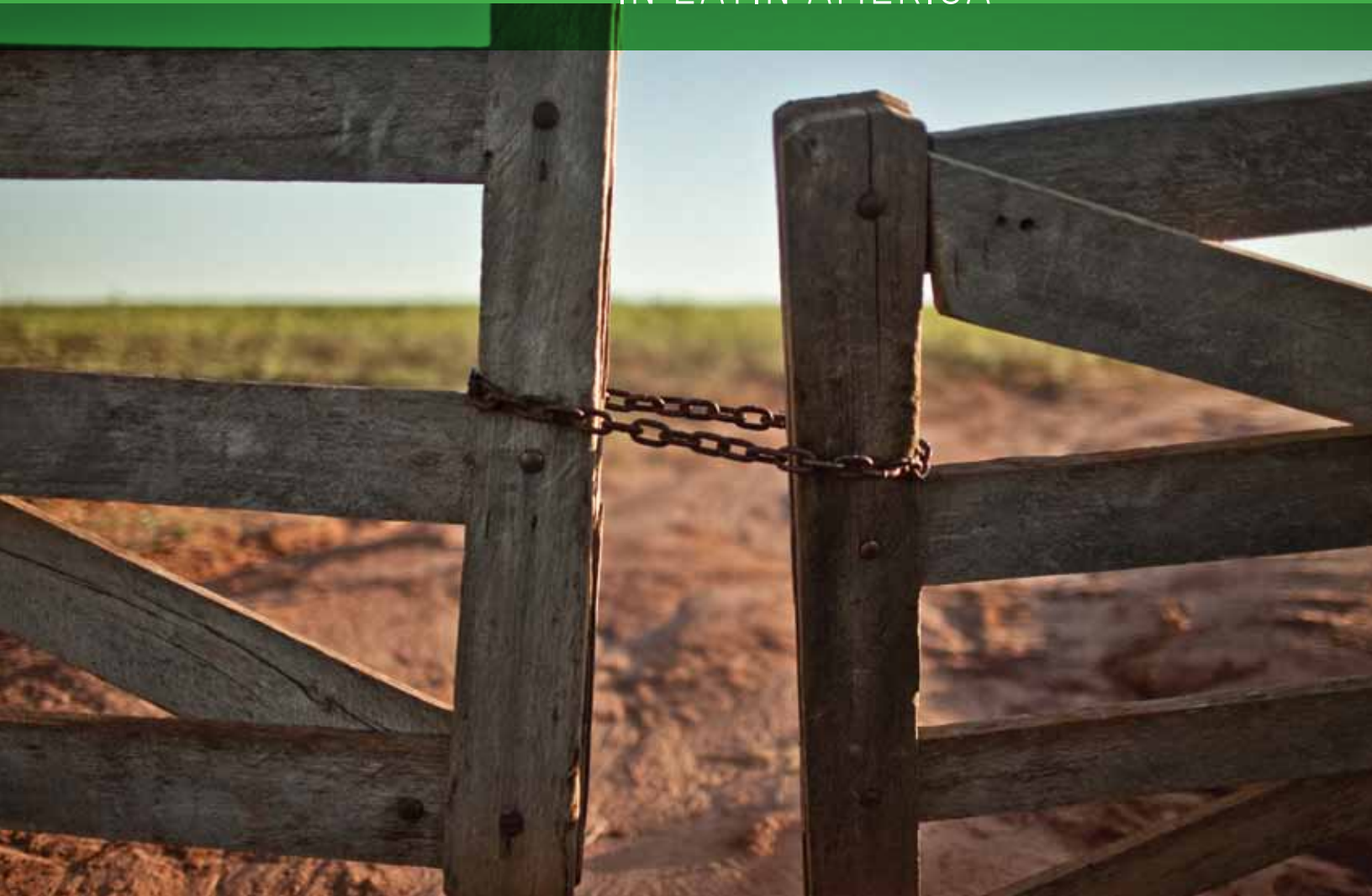




OXFAM

EXECUTIVE SUMMARY

UNEARTHED:
LAND, POWER, AND
INEQUALITY
IN LATIN AMERICA



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Combating inequality is one of the most pressing challenges facing Latin American societies in their pursuit of sustainable development. This will be difficult to achieve without policies that address one of the unresolved historical problems in the region: the extreme concentration of access to and control over land, and the limited distribution of the benefits of land use.

The struggle for land has given rise to internal conflicts, displacements, and human rights violations. Most attempts at widespread agrarian reform have failed, largely because the allocation of land to farming families was not accompanied by policies that improved the viability of family farming. Such measures have often been marred by corruption, benefiting those close to the people in power rather than those most in need. Moreover, many important advances were subsequently undone by policies that deregulated the land market and facilitated accumulation. Meanwhile, vast areas of forest, pasture, shoreline, and other communally owned resources have been grabbed from their legitimate ancestral owners, whose territorial rights are systematically violated. States have been incapable of subverting the power of the elites that dominate landholding; this situation is rooted in a widespread social attitude that undervalues, exploits, and discriminates against those who work the land and have rights to it, particularly indigenous and Afro-descendant communities.

As a result, distribution and control over land is now even more heavily concentrated than it was before the implementation of redistributive policies in the 1960s.

In addition to affecting the rural sphere, land inequality is an obstacle to sustainable development since it limits employment and increases urban poverty belts, while also undermining social cohesion, the quality of democracy, environmental health and the stability of local, national, and global food systems. Better land distribu-

tion would lead to more effective allocation of resources as it has been demonstrated that smallholdings can be more productive than large farms, given the right conditions. And, above all, it would contribute to reducing poverty, hunger, and inequality by more evenly distributing wealth and income. It is no coincidence that equal access to land has been defined as a key target for three of the goals of the 2030 Agenda for Sustainable Development, which was adopted by more than 150 heads of state at the United Nations Summit in 2015: end poverty (goal 1), end hunger (goal 2), and achieve gender equality (goal 5).

Ensuring more equal access to land is a crucial goal in Latin America, which is the region of the world with the most unequal distribution of land. The figures are overwhelming: according to Oxfam's analysis of agricultural censuses, more than half of productive land in the region is held by the top one percent of the largest farms. In other words, one percent of farms occupy more land than the remaining 99 percent. The most extreme case is that of Colombia, where over 67 percent of productive land is concentrated in 0.4 percent of agricultural landholdings. Chile and Paraguay are not far behind in terms of inequality, as in those countries one percent of farms occupy over 70 percent of the land.

As large-scale farming operations take over more and more land, small family farms are being sidelined or are disappearing altogether. Although they account for more than 80 percent of agricultural operations surveyed, according to the latest data available small farms only occupy 13 percent of productive land. Here too, Colombia is the most unequal country, where 84 percent of the smallest farms occupy less than four percent of productive land, together with Paraguay, where more than 91 percent of farms hold just six percent of land.

Women are particularly marginalized in terms of access to land as, despite equal rights for men and women being recognized in all countries, in practice women have less land than men—

ranging from eight percent in Guatemala to 30 percent in Peru—which tends to be on smaller plots, of worse quality, and under less secure tenure. This historical exclusion, which is the result of deep-rooted cultural and institutional barriers, limits women’s economic independence and hinders their exercise of other economic and social rights.

However, land inequality is not limited to the way productive land is distributed. Competition for land and the concentration of power in relation to land have intensified in recent years with the rapid expansion of extractivism, a production model based on the exploitation of natural resources to produce large volumes of raw materials—mineral resources, hydrocarbons, and agro-industrial, livestock, and forest products—primarily for the global market.

Since 2000, there has been a proliferation of mining and oil concessions in Bolivia, Colombia, Peru, and Ecuador. Forest plantations in the region are expanding at a rate of more than half a million hectares every year, occupying an increasing proportion of the territories of Chile, Brazil, and Mexico. Livestock farming is advancing steadily in the Gran Chaco region (in Argentina, Paraguay, and Bolivia), causing the highest deforestation rates in the world and threatening the survival and wellbeing of indigenous peoples, some of whom are uncontacted. Meanwhile, agricultural production, led by crops such as soya, sugar cane, and oil palm, is breaking records year after year in terms of the areas occupied in Brazil, Argentina, and Paraguay.

The rise of extractivism has contributed to driving economic growth in the region and improving public services in countries that have taken advantage of the price boom to increase social investment. Nonetheless, dependence on primary raw materials brings with it major risks linked to the volatility of international markets, high environmental and social costs, and increased inequality resulting from the accumulation of wealth and power.

The nature of extractive activities means that the associated benefits are concentrated in the hands of elites; those elites exercise their control of land to access all possible sources of raw materials. Different forms of control beyond ownership—including renting, long-term concessions, production under contract, and integration of value chains—have reconfigured land-related power through a complex system of commercial, political, and financial relationships.

The ultimate expression of this power is multinational corporations, which do not necessarily own the land, but participate in controlling its resources through large-scale agricultural production, exploitation of mineral and fossil fuel reserves, and control of strategic market access points. In Bolivia and Paraguay, for example, a small handful of transnationals control exports of soya and other agricultural commodities.

In order to compete in a globalized economy, the old elites have joined forces with new partners and family companies have diversified their business lines, broadened their scope, and established a growing presence in international markets, transforming themselves into powerful multinationals known as “trans-Latins.”

These economic elites use their power to influence political and regulatory decisions that affect their interests, through mechanisms ranging from financial backing of political parties to influence peddling, via lobbying, the “revolving door” phenomenon, or control of the media. Through this “political capture,” they use public resources to maximize their private gains, thus fuelling inequality.

International investors and corporations, meanwhile, safeguard their interests by means of instruments that often undermine people’s rights and weaken national sovereignty. Free trade and investment agreements contain dispute resolution mechanisms that enable an investing company to file a lawsuit before an international court of ar-



bitration—bypassing the national courts—against a state that takes measures that it considers detrimental to its future profits. As a result, states can be threatened with multi-million dollar fines, even when they are acting in the public interest, for example to protect the health of people or the environment, or to uphold the territorial rights of indigenous peoples. Countries like Argentina, Mexico, El Salvador, Ecuador, Peru, and Venezuela have been faced with this type of litigation and some have been fined for cancelling or refusing licenses to undertake extractive activities.

At the same time, governments in the region have reduced their regulatory intervention, allowing the market to allocate land for the most “productive” use and relaxing the limits on land ownership that some countries had introduced to prevent land grabs. With a few exceptions, they have abandoned public investment in indigenous and small-scale family farming, and have neglected their obligation to recognize, formalize, and protect the collective property of indigenous and Afro-descendant communities. To attract foreign

investment, many have offered incentives and tax breaks that exacerbate inequality and divert resources from the public purse.

The advance of extractivism has led to an increase in land disputes and an alarming rise in violence against those who defend land, water, forests, and the rights of women, indigenous peoples, and peasant communities. These vulnerable groups are harassed, attacked, and criminalized for opposing activities that threaten their livelihoods, their health, and the environment in which they live, but do not usually offer them any benefits.

The conflict between the interests of privileged sectors, often bolstered by policies tailored to them, and the rights of the rural majority has led to a human rights crisis in the region. With the murders of 122 rights defenders, 2015 was the worst year in the recent history of Latin America for the defense of human rights. More than 40 percent of the cases were related to the defense of land and territory, the environment, and indigenous rights.

Women are on the front lines of the fight for land and suffer specific forms of violence such as sexual harassment, verbal assaults, and persecution of their families. The murder of the Honduran activist Berta Cáceres for leading the resistance against a hydroelectric project highlighted the extreme vulnerability of women activists and the apathy—or even complicity—of governments, such as that of Honduras, which repeatedly fail to fulfill their obligation to protect citizens' rights.

Indigenous peoples are also in an especially

vulnerable position as their territories encompass a third of land worldwide earmarked for mining, oil drilling, and agro-industrial and forestry development. The countries of Latin America have ratified the international instruments that recognize the rights of indigenous peoples to land and territory, as well as their right to be consulted and to free, prior, and informed consent. However, the processes of demarcation, titling, and consultation are progressing at an extremely slow pace, considering the speed at which their lands are being occupied and destroyed in countries like Brazil, Paraguay, Honduras, Colombia, and Guatemala.

The expansion of the extractivist model is increasingly squeezing out peasant populations, whose members resort to land occupations and other forms of mobilization to demand their right to land in the struggle against sectors with much greater political influence. In doing so, they risk being assaulted, attacked, and harassed by state forces, private security services, or criminal gangs in the service of economic interests. For example, the illegal paramilitary groups in Colombia are responsible for two-thirds of attacks and killings of rural land rights defenders.

The growing persecution and criminalization of indigenous and small-scale farming communities, men, and women defending land and natural resources is part of a strategy of repression applied throughout Latin America. It employs

tactics such as militarization of territories, states of emergency, intervention of private security agents alongside police and military forces, or the manipulation of the judicial system to discredit social protest. Thanks to collective action, today there is more information and attention than ever on the social and environmental damage associated with extractivism. Yet, never before have the lives of activists, journalists, and defenders been so at risk.

In this fight for land and the defense of human rights, social movements—particularly the Latin American Farm Organizations Coordination Group (CLOC-VC) and the Central American Network of Rural, Indigenous and Farming Women (RECMURIC)—have played a pivotal role at crucial moments, for many years, to further this cause which is so crucial for indigenous and peasant communities.

It is clear that in order to eradicate poverty and achieve sustainable development in Latin America it is essential to redistribute the ownership and control of land, as well as the benefits and impacts of extractivism, safeguarding both individual and collective rights. These objectives must be placed back at the center of the political debate about how to move towards more prosperous and inclusive societies.

Bold actions are needed in order to take a new path that prioritizes access to and control over land for all the people and communities that depend on it, as well as giving them the necessary resources to develop decent and sustainable livelihoods, thus contributing to inclusive economic growth.

At Oxfam, we are calling on actors in the region—governments, organizations, social movements, businesses, and academic institutions—to join forces so that the 2030 Sustainable Development Goals do not remain merely words on paper. Special attention should be given to fulfilling goals 1.4, 2.3, and 5.7 concerning secure and equitable access to ownership and control over land.

In order to achieve this, it is necessary to end practices that create inequality and to promote a new redistribution of land. Therefore, Oxfam urges:

All influential international institutions working in the region, such as the Economic Commission for Latin America and the Caribbean and the Food and Agriculture Organization of the United Nations, to:

Place this challenge at the center of the debate on how to reduce economic and social inequality in the region, and redouble efforts to redistribute land.

International institutions that finance development, to:

Include this challenge in their investment and risks analyses; address it in all their projects that affect the use of land and natural resources; and apply robust human rights standards in their financing operations, as well as oversight and penalty mechanisms for investors and states that fail to comply with them.

Companies and corporations, and all national and international investors in the region, to:

In all their operations: strictly apply the United Nations Guiding Principles on Business and Human Rights; put into practice the provisions that apply to them of the Guidelines on Responsible Governance of Tenure of Land agreed by the Committee on World Food Security; and ensure full compliance with all international human rights conventions, including the United Nations Declaration on the Rights of Indigenous Peoples.

In addition, we urge the governments of the region to strengthen people's rights and eliminate the privileges of the elites through actions to:

- 1.** Urgently and effectively respond to demands for access to and control over land and means of production by rural populations,

taking concrete measures that contribute to the redistribution of land ownership and to greater equity, and putting into practice the Guidelines on Responsible Governance of Tenure of Land;

- 2.** Recognize rural women as full citizens and bearers of rights who play a key role in family and national economies, and guarantee their access to land and other productive resources, which requires specific policies with a gender perspective to overcome the obstacles that prevent women from exercising their right to land;
- 3.** Protect the collective territorial rights of indigenous and Afro-descendant communities, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, and facilitate progress in titling processes;
- 4.** Guarantee the right to be consulted by implementing legislation and mechanisms to enable any community affected by investments in land or natural resource extraction and exploitation activities to give or withhold its free, prior, and informed consent;
- 5.** Limit the power of elites and their ability to influence the design and implementation of public policies by means of an effective regulatory framework that balances political representation and protects the public interest;
- 6.** Promote economic and investment policies that foster balanced and diversified economic growth, prioritizing territorial development, respect for the environment, job creation, and the regulation of working conditions, while also establishing a regulatory framework to ensure more equitable distribution of the benefits resulting from indirect forms of landholdings, such as various land rental arrangements and production and storage contracts;

- 7.** Prevent the negative impacts of natural resource extraction and exploitation activities with stringent regulations that reflect international standards and with stricter controls on their environmental, social, and cultural impacts, limiting or prohibiting activities that infringe the rights of the communities and peoples affected;
- 8.** Establish tax systems that ensure fair taxation in relation to land ownership and the profits obtained from land use, and that discourage the accumulation of land for speculative purposes;
- 9.** Combat impunity, implementing prevention and protection mechanisms to end all forms of violence and criminalization against indigenous, Afro-descendant, and peasant leaders, as well as against land and human rights defenders;
- 10.** Guarantee access to justice by ensuring the independence and impartiality of judicial officials, and proper investigation, punishment, and reparation of human rights violations committed in contexts of land investment and natural resource extraction and exploitation activities.

Finally, Oxfam encourages social movements in the region to continue demanding fulfillment of all their rights and speaking out when those rights are not fulfilled, and to exercise the right of oversight and participate in legitimate consultation processes, which should be extended to all stakeholders. We at Oxfam will continue to support them in their just fight for the right to land and territory, with the aim of moving towards societies without extreme inequality where the privileges of the few do not supersede the rights of all and where the resources, opportunities and benefits of development are better distributed.

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This paper is part of a series of papers written to inform public debate on development and humanitarian policy issues.

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