

Building Community Resistance Against Land Grabbing

Documentation of Cases in Selected Communities in Asia
Indonesia, Sri Lanka, Pakistan, Malaysia and the Philippines



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October 2013



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Table of Contents

Introduction	1
Executive Summary	3
<i>Indonesia</i>	7
Land grabbing for food and biofuel: Merauke Integrated Food and Energy (MIFEE) case study By Alliance of Agrarian Reform Movement (AGRA)	
<i>Indonesia</i>	25
Corporate takeover of forests: Merangin case study By Alliance of Agrarian Reform Movement (AGRA)	
<i>Sri Lanka</i>	35
Green washing with Eco Golf Resort Project: Soragune case study By Sri Lanka Nature Group	
<i>Sri Lanka</i>	45
Looting of sustenance lands: Kalpitiya Islands case study By National Fisheries Solidarity Movement (NAFSO)	
<i>Pakistan</i>	87
Of collusions and collaborations: Sindh case study By Roots for Equity	
<i>Philippines</i>	113
Land grabbing through contract farming: Pantaron Village case study By Peasant Movement of the Philippines (KMP)	
<i>Malaysia</i>	139
Case Documentation of Kebuaw and Ilas River on the Violation of Native Customary Rights By the indigenous community leaders of Kebuaw in Sibul (Sarawak, Malaysia)	
Annex – Research Design	159
About the Partners	163

Introduction

With the objective of contributing to the campaign against resource grab and supporting grassroots action in Asia, PAN AP and its partners embarked on a three-year collaborative project that included documentation of case studies on land grabbing.

What is remarkable about this project is the direct involvement of community-based organisations confronting land grabbing cases. Through this initiative, local groups were able to use the documentation process to investigate local and/or foreign investments that affect their customary rights and threaten to displace them; consolidate their communities through organising; and engage in media campaigns to amplify their resistance against land grabbing.

Using a common research design (See Annex), local groups from Indonesia, Pakistan, the Philippines and Sri Lanka developed these case studies over the last one and a half years. These case studies were either translated from the local languages to English or vice versa and were used by local groups for campaigning in the local and national levels, among others.

Meanwhile, the case study from Sarawak (Malaysia) used a different research design. It was a documentation that aims to establish historical evidence to prove that the community and nearby forests are under the native customary right of the indigenous peoples. In this study, a local indigenous leader – whose ancestral lands were grabbed by a palm oil company – took the lead in establishing historical evidence and actual writing.

Through this project, the indigenous community in Sarawak developed its capacity to document its native customary land and used the output as one of the evidences in a case that they filed in a local court against the palm oil

Building Community Resistance Against Land Grabbing

company (still pending in the court as of this writing). It was also submitted to the United Nations Special Rapporteur on the rights of indigenous peoples.

Aside from documentation, PAN AP and its partners involved in this project also collaborated in opposing resource grabbing through national and regional campaigns, mobilization and policy advocacy.

We have had some successes – exposing large-scale land deals even before these lead to resource grabbing, pushing for local policy measures that led to official investigation of questionable land deals, and getting back lands that were grabbed by various companies.

The struggle for rights to productive resources for small food producers is a protracted struggle. While this project has contributed in achieving some victories at the local level, there is still much to do in the campaign against resource grab and achieving food sovereignty.

This compilation of case studies is a collective work of PAN AP partners which include the Alliance of Agrarian Reform Movement (AGRA) of Indonesia, National Fisheries Solidarity Movement (NAFSO) and Sri Lanka Nature Group from Sri Lanka, Roots for Equity of Pakistan, Peasant Movement of the Philippines (KMP) and the community leaders of Sarawak, Malaysia through the Sarawak Dayak Iban Association (SADIA).

Finally, we would like to thank Misereor whose support made this initiative possible.

Gilbert Sape

Programme Coordinator

Food Sovereignty and Ecological Agriculture

Executive Summary

The land rush in the last five years has raised the need to monitor and build country case studies on global land grabs to expose the nature of the phenomenon. Is the surge of investor interest an entirely new development or a continuation of existing trends? Multilateral organizations have gone ahead in the discourse but have so far only recommended facilitating 'responsible' global land deals instead of looking into the impact. There has been lack of genuine information, which can only be filled in by grassroots research.

Growing people's protests are proof of the intolerable impact of land grabbing on local communities and the host countries, which have also made research urgent. Communities are losing control of the land, along with their rights to be consulted and to pursue agrarian reform programs. Governments meanwhile are defaulting on the central role of providing all the necessary capital and technology support to give way to foreign governments and corporations. Land grabbing has had tremendous implications in the assertion of food sovereignty.

The focus on Asia hereby provides fresh insights on initial observations made regarding resource grabs that are happening worldwide. Many of the first monitored and published cases are on Africa, yet the conditions in Asia, as presented here, have sharpened the analysis. For instance, investment in agriculture is indeed nothing new, especially in the Asian context where much of the feudal structures exist alongside the failure of 'green revolutions' and the corporatization of agriculture. The main form of investment is land purchase or long-term lease of up to 75 years, which is an indication that the concept of land ownership or even land reform has remained weak and has been abrogated further.

Building Community Resistance Against Land Grabbing

The explicit involvement of a foreign corporation in pushing for a local project is observed in only two of the seven cases (Philippines, Pakistan). It is imprecise to say that foreign governments come to Asia to pressure local governments in order for them to acquire tracts of land for their corporations. Even with the cases of Philippines and Pakistan, the local governments are the ones that are deeply involved, if not at the forefront, of land grabbing. After government acquisition through enabling laws and militarization, grabbed resources are opened up to the control or even ownership of both foreign and big local corporations.

The impetus seems to be coming from food, feed and fuel needs of the US, Europe, Japan and the Gulf states, but it is mainly the bid of Asian governments to attract the much-needed foreign investment, which facilitates resource grabs. Rich countries have cited the food and energy crises to justify increasing foreign access to natural resources, but the case studies have shown that even these reasons are invalid. Land and resource grabs are happening for the production of cash crops and tourism. Only one case (Indonesia) is explicit about the local government's grand plan to make the country a food basket, but even that is meant to attract foreign investors and buyers.

The initial observation about land grabbing, i.e. primarily involved are foreign governments seeking assured food supply as well as corporations that are into outright acquisition using investment arms, is not precise in Asia. There are not even visible financial institutions or speculators who rake in profits from land values rather than from securing food. It is the host governments which are openly pursuing the land deals, and there is no clear proof that foreign governments are actively involved, which however only indicates lack of transparency on bilateral relations.

The host governments create investment promotion agencies, which provide informational, technical and bureaucratic support to the private sector. They offer public-private partnerships (PPP) with numerous incentives to private investors including regulatory risk guarantees and opening up land to foreign ownership. Their government officials, including presidents, have also gone on roadshows to pitch their agricultural and natural resource sectors to foreign investment. It is not unlikely, despite the confidentiality of bilateral talks, that the host and foreign governments have entered into investment and trade agreements.

In all the case studies, the host governments claimed ownership of the land in the beginning only to make the land available to encourage inbound investment in the end. In all cases, the governments declared community-occupied lands as 'unspoiled', 'idle', or simply government-acquired and therefore may be offered to private and foreign investors. In most cases, the government officials would collude with the local landlords and traders to wield power over the farmers, fisherfolk, indigenous people, foresters, etc. who are inhabiting the land. The host governments would also railroad the passage of new laws

and ordinances in order to effect the change in ownership and control. These maneuvers are oftentimes accompanied with military presence in the areas.

All the cases presented here have debunked some of the earlier observations made regarding the nature of global investments in Third World agriculture. Indeed, it is nothing new and a continuation of post-colonial trends. Foreign investment continues to seek resources, but not necessarily for production of human needs but primarily for what is most profitable in the global markets at the moment, including the promotion of tourism. Foreign investment in agriculture is still more focused on the production of tropical and indigenous crops for the global markets. Lastly, it is not exact to say that investments involve the direct acquisition of land and involvement in actual production by transnational corporations, the cases (especially Philippines) have proven that it is more profitable for the TNCs to acquire control over the land by getting into looser forms of 'joint venture' including PPP and contract growing. Two case studies (both in Sri Lanka) have also proven that shifting land and water uses is not necessarily meant for farming but also for eco-tourism, which is not new for countries that would want to attract tourists and foreign capital. What is new, however, is that foreign tourism corporations are allowed to own the resources.

All cases have proven that the most compelling issue with land grabbing is food sovereignty. Legality is tilted in favor of foreign investors, where there are minimum international standards, breakdown of trade barriers, and changes in the environmental and labor laws. Multilateral institutions are also given the hand to intervene in national laws in favor of foreign direct investment. All cases have proven that this so-called flexibility on the part of national governments has reversed progress in human rights issues. Communities are not consulted; indigenous people are simply driven away from their ancestral lands; and communities' access to natural resources is affected.

The impact on the communities has been tremendous. At least four of the cases (Sri Lanka, Indonesia, Pakistan and Malaysia) show that water rights have shifted from the traditional users to the foreign or corporate users. In all cases, food security along with water security has been immediately and directly threatened. In some cases (Indonesia, Sri Lanka), the situation of land grabbing has actually increased local food prices. Environmental destruction and degradation is cited by all cases, whether from building of infrastructure on natural habitats, use of inorganic chemicals in farming, deforestation, and commercial farming. Violation of labor rights is evident in all cases, with one case (Philippines) even involving violation of political rights of workers. Migrant agricultural workers are also subjected to abuse (Philippines, Indonesia).

All compiled cases present stories of people's resistance. In varied degrees of organizational strength, the case communities have fought back and raised their level of awareness. Some cases (Philippines, Indonesia) have succeeded in stalling the projects while others (Sri Lanka, Pakistan) are seeking the right balance to build networks and cooperation with other sectors to defend their

Building Community Resistance Against Land Grabbing

rights and livelihood. The Malaysia case study is noteworthy for its detailed documentation of the legal as well as political actions taken by the local communities. All cases provide the inspiration that people's resistance is alive and remains the key factor in asserting human rights and achieving food sovereignty. If these cases of community resistance are raised to national levels, making governments answerable on how they are giving up aspirations for self-reliance and agrarian reforms, the communities shall achieve a new level of organization and action against resource grabs. Information sharing is key to achieving this new phase.

Indonesia

Land grabbing for food and biofuel: Merauke Integrated Food and Energy Estate (MIFEE) case study

By Alliance of Agrarian Reform Movement (AGRA)

Land grabbing round the world has been justified by the two crises – food and energy – which food and agricultural transnational corporations as well as foreign governments have proposed to solve by setting up huge plantations of food and agricultural products for biofuel. Notwithstanding the questions on the validity of the arguments about increasing prices of food and energy and the need therefore to shift to large-scale and mechanised production, the increasing trend of grabbing available lands in the underdeveloped countries such as Indonesia to this end has tremendous impacts on the farmers, indigenous peoples and the entire communities.

In 2009, former Food and Agriculture Organisation (FAO) General Director Jacques Diouf said that in order to accelerate food production there is no other way for the world except to use technology, reiterating that technology is the key in raising the production of food crops, in which case the private sector must have a bigger role.¹ Indonesia responded promptly to this statement by offering to be the world's foodbasket. On the other hand, the US is the biggest consumer of bioethanol and Brazilian sugarcane is the biggest source while the European Union (EU) is the biggest consumer of biodiesel with supply coming from palm oil of Indonesia and Malaysia. Thus, the eagerness of the Indonesian government to respond to large-scale production of biofuels is not surprising.

Industrialised countries are citing climate change and their commitment to reduce greenhouse gas emissions as the reason for shifting to biofuels, climate change being caused by burning of fossil fuel. Ironically however, in Kalimantan and Papua, the lands that have been used for planting biofuel materials such as oil palm, sugarcane and others are the peatlands and forest lands, which could have been important in trapping emissions of greenhouse gases such as carbon dioxide.

Building Community Resistance Against Land Grabbing

In reality, land grabs are happening on unprecedented scale as the 'back-to-basics' solution of the global capitalists to solve their crisis of overproduction and excess of fictitious capital. From the production of food and bioenergy up to speculation on land values, the imperialists have obviously increased the intensity of plunder in order to surmount their crisis and pass it on to underdeveloped countries such as Indonesia. Land grabs are being done through the development of food estates, infrastructure projects, expansion of new plantations for bioenergy projects, mining, eco-tourism, incursions into forest conservations, climate change projects in the guise of expansion of reforestation and national parks, and the development of infrastructure projects for military purposes.

Land grabbing has triggered conflicts and only brought to fore that the main issue for the imperialists, their corporations and governments is not only to ensure their own food and energy security but more importantly to arrest the decline of their profit levels at the expense of ecological well-being and the farmers and indigenous peoples' rights to land and resources. The impacts on the peasantry, agricultural and plantation workers, women, small food producers, and the poor are alarming, which include the eviction of rural society, diminishing of livelihood sources, and increasing hunger and poverty.

Fertile agricultural lands are increasingly being owned by the private sector, which has tremendous implications to smallholder farming and development.

Introduction

In a speech by the Indonesian Vice-President Budiono addressed to the World Conference on Food Security held by the Food and Agriculture Organisation (FAO) in Rome on 13-17 November 2009, he said that Indonesia was ready to provide food to the world. His speech has become the national policy to produce food on a large scale by shifting the orientation of agricultural development from depending on the small farmers to allowing big investors to have more role in agriculture. The Indonesian government believes that food production can be doubled if foreign and local investors are allowed to invest in agriculture. In the following months, the Indonesian President Susilo Bambang Yudhoyono (SBY) promoted the remote areas of Papua and Kalimantan for a giant food estate integrated with biofuel energy project. President SBY said that Indonesia would like to be the world's foodbasket.²

It may also be recalled that the biggest oil palm plantation in the world of 1.8 million hectares is sitting in the border of Indonesia and Malaysia in Kalimantan Island called the Kalimantan Border Oil Pam Mega Project. The country has also made the bid, in a statement made by the Indonesian Minister of Agriculture Anton Apriantono in June 2005, to produce bioenergy for domestic consumption and export.³

The Indonesian government thus launched the Merauke Integrated Food and Energy Estate (MIFEE), allocating 2.8 million hectares of land⁴ of indigenous people in Merauke Regency, Papua Province. The original main investor in this plan was Bin Ladin Group of Arab Saudi Kingdom, which in August 2008 targeted the Merauke land for the production of basmati rice to be exported to Saudi Arabia under its food security programme.

Background of MIFEE Project

MIFEE, located in Merauke Regency, was later on officially inaugurated by the Indonesian Minister of Agriculture, Suswono. According to his senior officer Hilman Manan, "We chose Merauke because it's the ideal place for food crop cultivation, such as rice, corn, soybean and sugarcane. Merauke district has 4.5 million hectares of land; 2.5 million hectares are ideal for cultivation. The area is flat and has a good climate. Its soil is appropriate for those crops.

Sumatra is already congested with other plantations, such as palm oil, and Kalimantan (Borneo) is already full of mining areas and many plantation areas also."⁵

The Merauke Regency Government allocated 2 million hectares of land for plantation, agriculture, and production forest,⁶ much of which are still primary forests, savannah, and swamp lands which serve as the areas of hunting and food gathering of the indigenous peoples of Papua in Merauke. Meanwhile, the areas of MIFEE concession are 1.2 million hectares which cover 10 clusters.⁷ The government plans to lease the land for about 90 years.⁸ (See Table 1)

Table 1. Merauke Regency: Land Size and MIFEE Concession Areas

Merauke Regency	Size (hectares)	Percentage to total land size
Total land size	4,500,000	100
Total arable land	2,500,000	55
Allocated land for plantation, agriculture, and production forest	2,000,000	44
MIFEE concession areas	1,200,000	27

Source: AFP, 21 February 2010; REDD-Monitor, 17 February 2012; and Tempo weekly magazine, 8 April 2012.

According to the Indonesian Vice-Minister for Agriculture, Bayu Krisnamurti, Merauke project can be developed as the biggest food estate in Asia with total investment of IDR 60 trillion. For the year 2010, the government was offering 100,000 hectares out of 500,000 hectares available for medium-term development.⁹

Building Community Resistance Against Land Grabbing

Meanwhile, according to Minister Suswono, in addition to farming, the project will support a wide range of agricultural businesses, including post-harvest industries such as sorting and grading, packing, storage and processing as well as agri-tourism.¹⁰ One million hectares of lands will be available to produce food crops such as rice, soybeans and corn. The rest will be split between plantations, fisheries and livestock. According to the agriculture ministry, the pilot project will see 1.6 million hectares of land in Merauke transformed into an integrated farming, plantation and livestock zone, where companies will grow, process and package their products in one place. This is why the project is called the integrated food and energy estate project.

Three top conglomerates such as Medco, Bakrie and Wilmar have already expressed their intentions to develop the sugarcane plantation that integrated the sugar and ethanol factories. Their investment is estimated to reach IDR 9 trillion.¹¹

Enabling laws

The MIFEE project has been made possible by the Law No.41 of 2009 on the Protection of Sustainable Agricultural Land and the Government Regulation No.18 of 2010 on Cultivation with special attention to MIFEE. Law No. 41 of 2009 allows local and foreign investments and the production and trade of agricultural products both for the domestic and export markets.

It must be emphasized, however, that the Indonesian government had previously produced laws and regulations related to land and natural resources management. For instance the Law No.41 of 1999 on Forestry; Law No.18 of 2004 on Plantation; Law No.7 of 2004 on Water Resource; 2005 Agricultural Revitalization; Law No.25 of 2007 on Investment;¹² Law No.4 of 2009 on Mineral and Coal (Minerba); then the Law No.41 of 2009 on the Protection of the Sustainable Agricultural Land.

The most recent is the Law on Land Acquisition for Development (2011) and the Masterplan for the Acceleration of the Indonesian Economic Development or MP3EI (2012). All of these laws and regulations related to plantation, mining, forestry, water resource, investment, food and agriculture, and land acquisition favor the interests of foreign and domestic capital.

These laws are providing the flexibility and facility for foreign capital to plunder Indonesian natural richness through the concessions of land use rights in plantation, mining contracts, forest and timber concessions, and other facilities for foreign investors to control the land and natural resources in Indonesia. These laws have practically provided the legal framework for land grabbing in the form of developing big plantations and food estates as what is being done under the current regime of SBY.

This only shows that although the political regime in Indonesia has changed several times since Soeharto was toppled down in 1998, the nature of the

government remains – allowing the foreign plunder of natural resources, monopolising the raw materials and processing industries, depending on foreign borrowing, prioritising giant infrastructure projects, giving more and more concessions to foreign investors, cheapening labour, and grabbing the lands of peasants, minority and indigenous peoples.

Existing criticisms

The MIFEE project has been criticised by organisations of peasants, indigenous peoples, students, and environmental activists for potentially destroying 2 million hectares of primary forests that were previously threatened by forest concessions, plantations and mining concessions for many years. The MIFEE project's slogan is "Feed Indonesia, then Feed the World". But the local peasants claim that the project will destroy traditional agriculture and food security in the area.

Merauke is projected to become the national food production centre of Indonesia in the eastern part. According to the Ministry of Agriculture and the Merauke Regency Government, the people of Merauke will not become mere spectators of the project. They will collaborate as the contract growers, not selling the agricultural lands to a third party but leasing these to investors.¹³ Merauke Regent, Romanus Mbaraka is committed to protect the Marind people and is offering the concept of joint venture. The indigenous lands that shall become company lands will be counted as capital shares.¹⁴ This is short of saying that the project shall re-structure community concepts of land control and stewardship.

Some observers also say that the MIFEE project will destroy the primary forests of Papua. It will threaten the people's access to food, revive the transmigration programme in order to provide the project working force from outside Papua, and develop the huge infrastructure projects (new roadways and harbours, new factories for food and bioenergy processing, etc.). If the working force needed to work on the land of one hectare is two people, then the total working force needed to work on the MIFEE project of 1.2 million hectares will be around 2.4 million people. The working force of this megaproject for sure will be imported from outside Papua. It is predicted that this kind of imported working force will create conflict with the Papuan indigenous tribes in Merauke who depend on food gathering and hunting in the forests and swamp lands for their livelihoods.

The Marind Tribes

There are several reasons that can cause the indigenous tribes of Papua in Merauke to become spectators amidst the exploitation of their indigenous lands for the interest of MIFEE project. The population of Merauke according to the 2010 population census is 195,176 people, 40% (73,082) of these are the Marind tribes people.¹⁵ According to Yohanes Petrus Kamalaka, of the Kimaam people (Marind sub-tribes), "From the skill, most of us are lost. The indigenous peoples at hamlets are still gathering food, living from the forests. We usually

Building Community Resistance Against Land Grabbing

take sago in the forest and fish in the swamps without maintaining them. If all of that is lost, what can we eat?"

The Marind people have their totem or symbols to describe their ancestors. Mahuze people have sago totem, Gebze have their coconut palm, Samsakai have kangaroo totem, Basik-basik have pig totem, and Balaize have their eagle totem. When the MIFEE project is plundering the land of savannahs and the swamps, nature and totem symbols of the indigenous peoples will be lost and the Marind people will eventually lose their identity.

According to Adiwobowo, Faculty Head of the Department of Communication Science and Community Development of Human Ecology Faculty from the Bogor Agricultural Institute, the indigenous peoples of Merauke are still living on hunting and food gathering. Their neighbours from Java meanwhile are already developing the agricultural system.¹⁶ Head of Centre for Marind Community Development Study, Frederikus Gebze explains that beginning in the 1900s, the first outsider wave entered Merauke, mostly Javanese people brought by the Dutch, who are now recognised as *Jamer* (Javanese-Merauke).

They brought in transformation, making the Marind people learn the rice and vegetable cultures. Around 1910, several Marind people started opening paddy fields around the Merauke beach and Kurik District. The introduction of the Marind people to the modern agricultural system continued until the transmigration wave of 1965-1995. In 1985, the government relocated the Marind people families to the transmigration areas and equipped them with modern agriculture, from plowing the land with the plow and tractors, seeding, fertilizer application, to harvesting.¹⁷

Although they are already practicing agriculture, the system of food gathering, taking the sago, netting the fish, hunting, and doing simple gardening like *wambat* (making the series of knee-deep wall to be planted with bananas and cassava and the like) are still prevailing.¹⁸ These practices of food gathering and hunting are still common for the Marind people who live in the remote forests and swamps. They are the Kanum tribe, the Marind subtribe who live in the hamlets of Yanggandur, Torai, Erambu, Sota, and Rawa Biru in the Sota District. The activity of farming is complementary to the daily activity of the indigenous Marind tribe of hunting deers, pigs, crocodiles, and kangaroos in the forests and swamps. The hunted products are being sold in Merauke without processing. Hunting and food gathering is daily life activity of the Marind people and they have already been occupying the park of 413,810 hectares long before the Wasur National Park existed.¹ (See **Table 2**)

According to Jago Bukit, Head of the Agency for the Social and Economic Development of Santo Antonius Foundation, the Marind tribe can no longer survive on food gathering and hunting, because the forests and the savannahs are already delineated by the companies as their lands.²⁰ As already mentioned, Merauke has potential agricultural land of 2.5 million hectares with around 1.9 million hectares of wet land. In 2010, the Merauke Government issued 46

investment permits that covered 228,000 hectares, including the indigenous lands. Ironically, the indigenous lands are being sold at very cheap prices to the investors. Much of these indigenous lands are being sold at IDR 10 per one square meter, with the companies' promises to provide the houses, education, and the employment opportunities.

Table 2. Demography and Economic Activity of the Marind Tribes

Merauke population:	195,176 people (2010) Papua 73,082, Non-Papua 122,634
Spread:	Districts of Kimaam, Tabonji, Waan, Ilwayab, Okaba, Tubang, Ngguti, Kaptel, Kurik, Animha, Merauke, Naukenjerai, Semangga, Tanah Miring, Jagebob, Sota, Muting, Elikobel, and Ulilin.
Hunted animals:	Crocodile, deer, kangaroo, forest pig, and fish.
Hunted tools:	Spear, arrow, small blade, net, and hunting dog.
Agricultural products:	Banana, cassava, and sago.
Agricultural land size (2010):	- Wet: 46,488 ha and idle 3.566 ha. - Dry: 17,373 ha and idle 9.337 ha.
Rice production:	101,161 ton

Source: BPS, Dinas Pertanian Tanaman Pangan Merauke.



Swamp forest in Merauke, the hunting area of the indigenous tribes of Papua.
(Photo: Adriana Sri Adhiati). Source: Down to Earth (DTE), No.89-90, November 2011, p.5.



Bonafacius Gebze, Papuan indigenous tribe in Merauke.
Source: Tempo weekly magazine, 8 April 2012, p.60.

MIFEE: Land of Conflicts

The MIFEE project was launched to the public on 12 February 2010, which coincided with the 108th anniversary of the Merauke Regency. The idea of “national foodbasket” was first broached by the former Merauke Regent Johannes Gluba Gebze in 2003, and the central government gave the green light in 2012. According to the Indonesian former Minister of Agriculture Anton Priyantono, “This MIFEE idea is one of ways to achieve the food supply.”²¹

According to the regulation made by the Indonesian government, however, the MIFEE is actually not aimed at providing the food supply for the Indonesian population. Based on Article 24 of the Government Regulation No.18 of 2010 on Cultivation, the MIFEE is only obliged to provide its products to domestic consumption in times of crisis or harvest failures.²²

It is also interesting to note how the coverage of the MIFEE project has been reduced in order to make it more viable for offering to investors. The size was originally 2 million hectares. Johannes Gebze even claimed that he could offer 2.5 million hectares of land reserves. The Body for Coordination of the National Spatial Order wanted to be realistic by using only 1.2 million hectares. Later

on, according to the Indonesian Minister of Forestry, Zulkifli Hasan, the figures had been revised to 500,000 hectares. Director of the Land Expansion and Maintenance of the Ministry of Agriculture Iman Panudju later clarified that out of 500,000 hectares, around 228,000 hectares have been agreed to be allocated to several companies, which are divided into four concession areas (clusters).

Anton Apriyantono, former Minister of Agriculture, has confirmed that the size is significant for opening the agricultural land. But it seems that reducing the coverage in order to attract investors has not been enough. Anton Apriyantono explained that Merauke land has big potential because it is suitable for sugarcane, rice and corn and eagerly promoted this idea to the private companies even before the project was formally launched. Several big companies like Medco Group owned by Arifin Panigoro and PT Bangun Tjipta Sarana owned by Siswono Yudohusodo, were interested to invest in Merauke.

Bin Ladin Group of Arab Saudi Kingdom was also interested to invest in Merauke, with the fantastic figure of USD 4.3 billion to cultivate rice in the area of 500,000 hectares. Anton Apriyantono even admitted that he flew to the headquarters of Bin Ladin in Jeddah to seduce them in order to realise their plans.²³

In reality, it is not easy to realise the MIFEE project. Bin Ladin Group resigned, along with Bakrie Group which was also interested to develop the sugar industry but resigned after visiting the field. "Potential investors have to face the complexity of land acquisition because it is related to the land of indigenous tribes and indigenous rights," Anton revealed.

At the end of 2011, there were 46 private local and foreign companies that were already given permits. The companies that are already operational are PT Medco Papua Industri Lestari, PT Cenderawasih Jaya Mandiri (Rajawali Group), PT Dongin Prabhawa, and PT Hardaya Sugar Papua.²⁴ PT Medco Papua Industri Lestari is working together with LG, the energy company from South Korea to open the Papuan forests.²⁵

Meanwhile, according to a report published by GRAIN in January 2012, Wilmar International, a corporation based in Singapore, which is the biggest palm oil company in the world and a main producer of sugar, already got a permit in September 2009 to convert 200,000 hectares of Papuan forests to sugarcane plantation. The investment was allegedly around USD 2 billion.²⁶

One year after the launching of the MIFEE project, the first land conflict emerged in Merauke. In the beginning of 2011, the people from Sanggase Hamlet in Kaptel District, around six-hour travel from Merauke City, conducted a rally at the sawmill of PT Medco Papua Industri Lestari. They demanded the compensation of IDR 65 billion for 2,800 hectares land being used by Medco. Since then, land conflicts have erupted one by one. In Malind District, Domande people are fighting with the Ongari people. In Ulilin District, Kindiki people are fighting over land with the Selil people. Nearly all of plantations and forests in Merauke

are now under conflicts. The common problems are that two indigenous groups are fighting over land because delineations have been blurred and that people are complaining about unfair land compensations.

Table 3 is a matrix of MIFEE project concession areas, the companies that already have the permits, and the related land conflicts.

In addition, there is an intense land conflict between the indigenous peoples and foreign investors from South Korea. PT Dongin Prabhawa, which is a subsidiary of Korindo Group of South Korea, will open the oil palm plantation of 25,000 hectares and also develop the crude palm oil (CPO) factory in Merauke with the investment of USD150 million. "The total working force that will be needed is around 4,000 people," says Rusdy Salima Mahuze, Public Relations Head of PT Dongin Prabhawa in Merauke.²⁷ PT Dongin Prabhawa got the permit from the Ministry of Forestry to open the forest for oil palm plantation of 34,058 hectares. "Not all of the permits will be planted with oil palm, the land for the oil palm plantation is around 25,000 hectares," he adds.

PT Dongin Prabhawa, a subsidiary of PT Korindo, a foreign investment company from South Korea, has started entering Ngguti since 2009. In the beginning of 2012, seven clans of indigenous peoples in Ngguti District asked PT Dongin Prabhawa to give the compensation for the indigenous lands that will be used for the oil palm plantation, because apparently the compensation has been given to the wrong people.²⁸

Land conflicts are quite expected because as already mentioned the Papuan indigenous peoples who live in Merauke are still depending on hunting and food gathering for their livelihood. Although some of them are familiar with the agricultural system since the transmigration period of 1965-1995, they still depend on savannah forests and swamplands. The forest areas and swamps for hunting and food gathering of these indigenous peoples are being delineated by the Indonesian Ministry of Forestry and Merauke Regent according to the order from the Indonesian Ministry of Agriculture as the project holder.

Therefore, the land conflicts in the MIFEE project that often happened are caused by the delineation of the hunting forest and food gathering areas of the indigenous Papuans as the MIFEE project concession areas. This involuntary process of the indigenous land delineation is worsening because the investors are often manipulating the process in getting the permits by neglecting the indigenous peoples' land rights and giving unfair land compensation.

Conclusion

At the moment, the land grabs for the interests of food and bioenergy are happening in Merauke, Papua Province in the form of the megaproject MIFEE. In spite of the criticism and protest against this project, some companies both domestic and foreign have operated in the concession areas with permits already given.

Table 3. Land conflicts in the MIFEE project concession areas (2011)

ANIMHA DISTRICT	Working areas of PT Selaras Inti Semesta, from Medco Group, versus indigenous lands of Hamlets of Zanegi, Wayau, Koa.	Land size: 301,000 has.	Business type: Industrial Forest Plantation.	Conflict: The people felt the process of collaboration with Medco was according to the procedures and not fair to them. Beside, the land compensation is very unfair.
MALIND DISTRICT	Working areas of PT Karyabumi Papua (Rajawali Group) versus indigenous land of Domande Hamlet.	Land size: 40,000 has.	Business type: Sugarcane plantation.	Conflict: People of Domande Hamlet are fighting with people of Ongari Hamlet on the size and delineation of indigenous lands being given to the company. The value of land compensation is also unfair.
KAPTEL DISTRICT	Working areas of PT Medco Papua Industri Lestari and PT Medco Alam Lestari versus indigenous lands of hamlets of Buepe dan Sanggase.	Land size: 2,800 ha. (Medco Papua) and 74,219 ha. (Medco Alam)	Business type: Wood chips and production forest.	Conflict: People of Buepe hamlet and Sanggase are fighting for indigenous land delineation and ownership of indigenous lands. Medco finally paid twice for having the rights of the lands.
NGGUTI DISTRICT	Working areas of PT Dongin Prabhawa (Korindo Group) versus indigenous lands of Nakias Hamlet.	Land size: 39,800 ha.	Business type: Oil palm plantation.	Conflict: Several clans, like Walinaulik, Dinaulik, Yeimahe, Kaize, Mahuze, Yolmen, and Naliwaen, reviewed the compensation paid by the companies for their indigenous lands and found that this was not enough and was directed to the wrong beneficiaries.

KURIK DISTRICT	Working areas of Rajawali Group (PT Cenderawasih Jaya Mandiri) versus indigenous lands of Kurik hamlet.	Land size: 70,000 ha.	Business type: Sugarcane plantation	Conflict: There is no indigenous agreement for the land acquisition.
OKABA DISTRICT	Working areas of PT China Gate Agriculture versus indigenous land of hamlets Alaku and Makaling.	Land size: 50,000 ha.	Business type: Sugarcane and cassava plantations.	Conflict: Internal conflicts among the people regarding the status of the land being given to the companies, how much land is being given and what is the delineation.
ULILIN DISTRICT	Working areas of PT Berkat Citra Abadi versus indigenous land of Kindiki hamlet.	Land size: 40,000 ha.	Business type: Oil palm plantation.	Conflict: Internal conflicts among the people regarding the status of the land being given to the companies, how much land is being given, what is the delineation.
MUTING DISTRICT	Working areas of PT Bio Inti Agrindo versus the indigenous land of the local people.	Land size: 39,000 ha.	Business type: Oil palm plantation.	Conflict: Internal conflicts among the people regarding the status of the land being given to the companies, how much land is being given, and what is the delineation.
JAGEBOB DISTRICT	Working areas of PT Hardaya Sawit Papua and PT Hardaya Sugar Papua versus indigenous land of Naikin hamlet.	Land size: 62,150 ha. for oil palm plantation and 44,812 ha. for sugarcane plantation.		Conflict: Internal conflicts among the people regarding the status of the land being given to the companies, how much land is being given, and what is the delineation.
The size of permits given			763,781 hectares	

Source: Tempo weekly magazine report on MIFEE, 8 April 2012, pp. 64-65.

Since 2010, the landscape of Merauke, especially the 1.2 million hectares of primary forests under the MIFEE concession areas has already changed. The primary forests, savannah, swamp lands which used to be the areas of hunting and food gathering of the Papuan indigenous peoples are now already the areas of the plantations and the food estate of oil palm, sugarcane, and cassava. Some are also converted into the concession areas of production and industrial plantation forests.

The fate of the indigenous Papuans is under threat. Since their very existence is dependent on land, losing control of this resource is tantamount to death for many indigenous peoples. Secondly, the agricultural production system that the MIFEE project depends, using mechanisation and monoculture plantation, is absolutely strange for the the indigenous Papuans. The sago as main food for instance does not meet much maintenance. Fishes are everywhere and other main sources of food like deer and crocodiles are easy to be hunted in the forests and swamps.

The indigenous Papuans as hunters and food gatherers will face difficulty if forced to work in the MIFEE concession. The indigenous Papuans have limited working skills, and it seems that the plantation managers of MIFEE will prefer working force to come from outside Merauke or even outside Papua.

The new wave of working force from outside Papua to work in the megaproject will surely create conflict. It is predicted that if the MIFEE project already covered the area of 1.2 million hectares in its real operation, the working force needed to run the project could reach around 2.4 million. This figure is exceeding the current population of Papua which is only around 2.1 million people.

The potentials of conflict arising between the indigenous Papuans and the outsiders are valid. Outsider population comprises 60% of the total population of Merauke, as a result of the government transmigration in 1965-1995. Today, people from outer Papua who live in Merauke are interested in working in the MIFEE project while the indigenous Papuans want to stop the MIFEE project because it grabs their lands and threaten their livelihood. The MIFEE project is a ticking bomb, waiting to explode, since holders of the MIFEE concession as well as the local and central governments are likely to depend on the military and police forces to settle disputes.

Trillions of rupiahs have already been invested by corporations such as Medco Group, Wilmar International, Rajawali Groups, Korindo Group, and LG in order to clear the primary forests and swamplands for agriculture. Land grabbing is happening through the issuance of permits by the Merauke Regent and forest delineations by the Ministry of Forestry, which have blurred the land demarcation and control by the indigenous tribes of Papua. So-called compensations for land and timber are also not fair enough.

The indigenous peoples of Papua are becoming aware that such "legal mechanisms" are replete with lies and manipulation. This increased consciousness

Building Community Resistance Against Land Grabbing

of the indigenous peoples of Papua is the start in raising the issue to the national debate on the global trends in land grabbing, and making countries such as Indonesia cover for the food and energy crises of the international corporations and governments at the expense of indigenous peoples' rights to land, natural resources and livelihood and national food security.

Endnotes

- ¹ See Hermas E Prabowo, "Menyongsong Industrialisasi Pertanian", in *Kompas*, Tuesday, 22 December 2009.
- ² See "Indonesia aims to be world's breadbasket", Agence France Presse, 21 February 2010.
- ³ Eric Wakker, "The Kalimantan Border Palm Oil Mega-project," a report for Friends of the Earth Netherlands and the Swedish Society for Nature Conservation (SSNC), April 2006.
- ⁴ The land available for the project scheme according to data provided by the government of Merauke Regency.
- ⁵ See "Indonesia aims to be world's breadbasket", AFP, *ibid.*
- ⁶ Investigative report of *Tempo* weekly magazine on MIFEE Project, 8 April 2012, "Bom Waktu di Hamparan Tanah Merauke", p.64.
- ⁷ See Chris Lang, "How Norway and the Merauke Integrated Food and Energy Estate threaten peatland and forest in Papua", in *REDD-Monitor*, 17 February 2012.
- ⁸ See Peter Robson, "West Papua: Land grab to displace locals", in *Green Left online*, 10 April 2010.
- ⁹ See *Kompas* daily, 6 February 2010, "Investasi di Kawasan."
- ¹⁰ See *Jakarta Globe*, 17 January 2010, "Indonesian govt gives green thumb-up to plant Papua 'food estate'."
- ¹¹ See the main report of *GATRA* weekly magazine on food crisis in Indonesia, "Krisis Pangan, Konglomerat Ikut Bercocok Tanam," No.21 Tahun XIV, 03-09 April 2008, pp. 16-19.
- ¹² The Law No. 25 of 2007 on Investment provides the use rights on plantation (HGU) for both domestic and foreign companies for 90 years.
- ¹³ See Hermas E. Prabowo, "Kawasan Pangan: Pertanian Kian Meninggalkan Petani Kecil," in *Kompas*, 4 August 2010, p.21.
- ¹⁴ See Erwin Edhi Prasetyo and Timbaktu Harthana, "Suku Marind Hidup di Antara Busur dan Pacul," in *Kompas* daily newspaper, 16 April 2011 (a), p.15.
- ¹⁵ See further "Pola Estate Bukan Solusi Ketahanan Pangan", in *Kompas*, Saturday, 11 June 2011, p. 13.
- ¹⁶ See "Pemerintah Tak Perlu Tergesa-gesa", in *Kompas*, Thursday, 16 December 2010.
- ¹⁷ See Erwin Edhi Prasetyo and Timbaktu Harthana, "Suku Marind Hidup di Antara Busur dan Pacul", in *Kompas*, Saturday, 16 April 2011 (a), p.15.
- ¹⁸ See further "Suku Marind Hidup di Antara Busur dan Pacul", *ibid.*, p.15.
- ¹⁹ See Erwin Edhi Prasetyo and Timbaktu Harthana, "Hidup Mereka Bertumpu di Rawa Biru", in *Kompas*, Saturday, 16 April 2011 (b), p.24.
- ²⁰ See "Suku Marind Hidup di Antara Busur dan Pacul", *op.cit.*, p.15.

Building Community Resistance Against Land Grabbing

- ²¹ See further *Tempo* investigative report on MIFEE project, titled "Bom Waktu di Hamparan Tanah Merauke", in *Tempo* weekly magazine, 8 April 2012, pp. 62-63.
- ²² See "Pola Estate Bukan Solusi Ketahanan Pangan", in *Kompas*, 11 June 2011, p. 13.
- ²³ See *Tempo* report on MIFEE, *op.cit.*, p. 63.
- ²⁴ See *Tempo* report on MIFEE, *op.cit.*, p. 58.
- ²⁵ See *Tempo* report on MIFEE, *op.cit.*, p. 56.
- ²⁶ GRAIN, "Land grab deals", January 2012.
- ²⁷ See Erwin Edhi Prasetyo and Marcus Suprihadi, "Korsel Investasi 150 Juta Dollar di Merauke," in *Kompas*, Sunday, 15 January 2012.

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Building Community Resistance Against Land Grabbing

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Indonesia

Corporate takeover of forests: Merangin case study

By Alliance of Agrarian Reform Movement (AGRA)

Tanjung Benuang Village

Tanjung Benuang Village is located at the foothill of Mount Tungkak in Sungai Tenang Subdistrict, Merangin District, Jambi Province. Previously, before the enactment of the Law No.5/1979, Tanjung Benuang was one of ten villages of Koto Sepuluh indigenous peoples. It was previously called Tanjung Beringin. Tanjung Benuang Village is surrounded by Jangkat Village on the north, Gedang Village on the south, Beringin Tinggi Village on the east, and Tanjung Dalam Village of Lembah Masurai Subdistrict on the west. It takes 9 hours to travel by land or around 336 kilometres (km) from the provincial capital city of Jambi. The distance from the capital city of district is around 86 km or 5-hour travel by land. The total area of Tanjung Benuang Village is 437.5 hectares (from Sungai Tenang Subdistrict monograph data), consisting of the settlement area (4 hectares), garden (2 hectares), plantation area (200 hectares), dried agricultural land (200 hectares), wet agricultural land with simple irrigation (30 hectares), and public utilities area (0.5 hectare). Previous area of Tanjung Benuang Village was 1,700 hectares. The downsizing of its area is caused by the land grabbing in the form of HPH (commercial timber rights) concession in 1988.

The village is composed of two hamlets, Tanjung Benuang Bawah and Tanjung Benuang Atas. The population of Tanjung Benuang Village is 217 families with a total of 881 people, with 438 males and 443 females. The settlement is generally scattered along the village road, although most families own the huts in their dried fields. During the harvesting season, people living in the huts usually leave their houses in order to protect their dried lands from animal attacks.

Tanjung Benuang Village is surrounded by hills, with Tungkak hill being the closest with the status of a protected forest. There is also Sedingin hill which provides timber for daily use in building houses. The people usually use the

Building Community Resistance Against Land Grabbing

forest products in Tungkat hill wisely because they have to obey the village's traditional rules, such as requesting for a permit from the forest protector and head of village. It is forbidden to get the timber near the source of the river, hillside areas, and protected areas. They only use the timber for building the houses, public facilities such as mosques, etc.

The people in Tanjung Benuang Village are skilled toolmakers who use bamboo and rattan for their own needs. It is rare to find the people get forest products for trading purposes.

Aside from these two hills, there are many hills scattered around the village, including the Bukit Barisan which is located around 15 km on the east. Therefore, the village has a fertile and rich forest with good quality and high value tropical trees. Because of this richness, the area is a target of investors. The protected forest in Tungkat Hill can also be a 'carbon business' for the government.

The people in Tanjung Benuang Village also use the forest as source of water from the rivers which flow down from the existing hills. They tap the river flow from Sedingin hill for drinking purposes.

Land ownership of the people of Tanjung Benuang Village does not have a strong foundation before the Indonesian law since their lands are ancestral in nature. There is nobody among the peoples of Tanjung Benuang who has a certificate of land both for settlement and for agriculture. Under this circumstance, the ownership of land in Tanjung Benuang is vulnerable to land grabbing that may be done by the government and the private sector.

Tanjung Benuang Village itself is under the area of Sungai Tenang Subdistrict, Merangin District, which has several forests defined by the government as forest. The government's forest definitions include the Kerinci Seblat National Park, Limited Production Forests (HPT) composed of HPT Lubuk Pekat, protected forest (HL) Mount Tungkat, and HPT Mount Sedingin. Tanjung Benuang Village is in the border of forest definition of limited forest production of HPT Mount Sedingin. Meanwhile, the definition of HPT Mount Sedingin is the area previously for commercial timber rights (HPH) concession of PT Serestra II with SK (Permit) 549/kpts-II/1988 which ended in 2008, that covers 96,000 hectares, and of PT Nusalease TC with SK HPH No.845/kpts-II/1991 that covers the area of 61,200 hectares.

According to the local people, the assignment of the limited production forest (HPT) for the first enclosure was conducted in 1996 and for the second time in 2004. But this was originally the agricultural lands of the indigenous peoples. The average agricultural land per family in Tanjung Benuang Village is one hectare. However, there are also families who own more than one hectare, particularly the bigger families. In which case, they are managing the agricultural land by opening the lands, redistributing the land until decisions on what crops to be planted are made. In short, indigenous practices are much in force as these are ancestral lands.

The system of rotary garden of the Koto Sepuluh indigenous peoples

Among the indigenous peoples of Koto Sepuluh, there are rules on how the people practice dry agriculture and open up the forests. All these rules have been existing and implemented since time immemorial. For example, whoever would want to open up the forest has to inform the village master in a meeting of the indigenous community. Whenever they decide to open the forest, it should be done by the groups chosen in the meeting and after 10 days of *Idul Fitri*. Only the head of the family is allowed to open one hectare of forest land, which should be planted on for three years. If the land is not utilised, the family is prohibited to open the forest again.

If a family opens the forest and plants, the land will become their land and it can not be sold to outsiders. If the people find out that the rotary garden is being neglected and the owner is undecided, then through a village meeting it will be decided as the collective land of the people.

In opening the forests for dry agriculture, there are regulations that should be obeyed by the Koto Sepuluh indigenous peoples, known as “Pantang Larangan”. These regulations include prohibitions in opening the forest in the river source or in the hilly areas. The indigenous regulations were made to protect the forest for the next generations. Aside from the regulations regarding opening the forest, there is also regulation prohibiting tiger hunting. It is also not allowed for the people of Koto Sepuluh to climb the trees, especially if the fruits such as durian, petai, tembacang, and rambutan may be enjoyed by the public,. Other prohibition is catching fish using poison. The rules are for everyone – there are no exceptions.

There are punishments and penalties for breaking the rules. For breaking the indigenous rules on opening the forest, the punishment is one goat, 15 kilograms of rice, plus the amount of Rp 750,000 (US\$ 65.00). For breaking the rules on opening the forest without approval by the village master, the punishment is the same as aforementioned plus the removal of the right to open the forest. The punishment is also the same for everyone who sells the land to outsiders. The land shall be returned to the village administration. The punishment will also be meted out to everyone who opens the forest not covered by their rights.

These things show that the people have their own indigenous land laws, much related to the management of natural resources for the benefit of their grandchildren and the sustainability of the resources. These rules are still existing combined with the rules of village administration.

Agricultural land for food stock

The dried agricultural land is being planted with the food crops and commodity crops while the wet agricultural land is solely for the rice crops. It is understandable then that in the past, the village was the main rice producer and every house

Building Community Resistance Against Land Grabbing

had its own rice basket. In general, the food crops they planted were not for sale and trading but for their own consumption.

The rice varieties are the local rice, the crossbreeding/*payo, lai, pulut*, and moon rice. Once they tried to plant IR 64, but they were not successful. They prefer to plant the local varieties which are not dependent on chemical fertilizers. The rice varieties are in danger of being patented by Monsanto because of their quality.

Aside from rice, the dried agricultural land is also planted with vegetables such as chillis, beans, etc. These crops are not for trading but for their own families' consumption or for other community people in need. They also plant bananas, rambutan and durians on riverbanks. For commodity crops, the people of Tanjung Benuang Village plant coffee and *nilam*, which is famous in Tanjung Benuang Village. In the past, the price of the crop was high at around Rp 1,000,000 (US\$ 86.00) per liter. But at present, the price of *nilam* oil is decreasing to Rp 300,000 (US\$ 26.00) per liter. The villagers are not too keen to plant *nilam* crops anymore. Aside from the price declining, the crops are also stricken of the "red" plague. At the moment, the commodity crop with a stable price is coffee.

The process of land grabbing

The people of Tanjung Benuang Village are victims of land grabbing under the New Order era, from 1988 through the timber concession rights (HPH or *hutan produksi terbatas*) for PT Sarestra II.

Aside from PT Sarestra II, the HPH was also given to PT Nusalease Timber Corporation (NTC) based on the Minister of Forestry decision No.845/Kpts-II/1991 on 15 November 1991. This corporation had an HPH of 61,200 hectares in Merangin District, Jambi Province. (See **Table 1**) Based on field findings in 2004, the corporation abandoned the area concession, and the Minister had to revoke the previous decision.

Table 1. HPH concessions in Merangin District.

No	Companies	HPH letter	Size (Ha)	Ending dates	Remarks
1	PT. Sarestra II	549/Kpts-II/1988 19 November 1988	96,000	19-11-2008	Tree cutting dimension (diameter above 50 cm)
2	PT. Nusalease TC	845/Kpts-II/1991 15 November 1991	61,200	15-11-2011	Tree cutting dimension (diameter above 50 cm)

After the release of the HPH concessions to the two companies mentioned, the process of the actual land grabbing has been experienced by the people of Tanjung Benuang Village. The concessions have resulted in the eviction of the people from their agricultural lands and other villages under the administration of Sungai Tenang Subdistrict. The people had not realised that the process of land grabbing had already happened with the release of HPH concession to PT Sarestra II and PT Nusalease TC. The people finally realised their lands were being grabbed after the decision of the limited production forest under the HPT in the area of Gunung Sedingin. Since 1996, the people of Tanjung Benuang have been prevented to plant in their previous lands. The decision has affected Tanjung Benuang Village tremendously, with their land area declining from 1,700 hectares to 437.5 hectares.

Based on the map, Tanjung Benuang Village is located in the area of the limited production forest (HPT) of Mount Sedingin which covers 10,860 hectares. Meanwhile, the forest area in Merangin District covers 767,890 hectares with several definitions of forest as shown in **Table 2**.

Table 2. Forest areas Merangin District.

No	Forest functions	Size (Ha)	Percentage (%)
1	Protected forest (HL)	36,734	4.78
2	Primary forest (TNKS)	121,046	15.76
3	Limited Production Forest (HPT)	49,956	6.51
4	Production Forest (HP)	136,275	17.75
5	Other usage areas (APL)	423,879	55.20
Total		767,890	100.00

Source: Spacial planning of Merangin District, 2002

The Introduction of PT. DAM

PT Duta Alam Makmur (DAM) is a subsidiary of Sinar Mas Group (SMG) which already has a permit letter for Industrial Plantation Forest (HTI) in the area of Production Forest (HP) Sungai Aur, HP Batang Nilo-Nilo Dingin, Limited Production Forest (HPT) Mount Sedingin, and HPT Lubuk Pekak, which used to be the area of HPT Rimba Karya Indah (RKI), PT Sarestra II, and PT Nusalease TC. The introduction of PT DAM has provoked resistance from the people, which resulted in the revocation of the permit letter of PT DAM by the Minister of Forestry through the Minister Letter No.S.663/Menhut-IV/2009 on 21 August 2009.

Previous HPHs and HPTs in Jambi are the target of companies for raw materials such as crude palm oil (CPO) through HGU (Plantation Use Rights), and also timber for pulp and paper through HTI (Industrial Plantation Forest). The company strategy, as in the case of PT DAM where the company sneaks in after

the end of HPH, is then decided to become the area of HPT. Once the area becomes HPT area, the company comes in by having a permit letter for HTI.

The entry of PT DAM as the subsidiary of SMG was SMG's way of expanding its forest domination for HTI. According to the data available, SMG already owns 884,180 hectares of land in Jambi Province for HTI for the supply of pulp and paper production. The land ownership of SMG through its subsidiaries and joint ventures may be found in **Tables 3, 4** and **5**.

Table 3. Sinar Mas Group.

No	Names of company	Permit letter	Size (ha)	Remarks
1.	PT. Wira Karya Sakti (WKS), Tanjung Jabung Barat District	SK Menhut No. 64/Kpts-II/ 2001, 15 March 2001	191,130	
2.	PT. Wira Karya Sakti (ex PT. IFA Block Dusu Aro), Batang Hari District	SK Menhut No. S.47/Menhut-VI/2004, 18 February 2004	38,261	
3.	PT. Wira Karya Sakti (ex PT Inhutani V), Batanghari – Tebo – Tanjung Jabung Barat District	SK Menhut No. 346/Menhut-II/2004	65,925	Ex PT Sadarnila – Loka Rahayu
4	PT. Rimba Hutani Mas in Batanghari – Tanjabar-Muorojambi District	SK Menhut No. 68/Menhut-II/2004, 9 March 2004	51,260	PT RHM Blok Taman Raja to be the area of conservation as size as 9,688 ha
T o t a l			346,576	

Table 4. Government License Application Scheme.

No.	Company	Location	Size (ha)	License Progress
1.	PT. Wira Karya Sakti (WKS)	Batang Hari	6,900	
2.	PT. Wira Karya Sakti (WKS)	Tanjab Tim	7,709	
3	PT. Semesta Jaya Lestari	Sarolangun	104,992	Jambi Governor Letter No. 522/5039/DISHUT/2007 on 28 November 2007
4.	PT. Duta Alam Makmur (DAM)	Merangin	84,794	
5.	PT. Duta Sarana Sejahtera	Bungo	52,925	
6.	PT. Rimba Hutani Mas	Ma. Jambi	80,147	

7.	PT. Semesta Jaya Lestari	Sarolangun	18,390	
8.	PT. Semesta Jaya Lestari	Batang Hari	18,070	Batang Hari Resident Letter No. 522/3906/DISHU/2007 on 13 Desember 2007
9.	PT. Rimba Hutani Mas	Tanjab Bar	25,990	
10.	PT. Duta Alam Makmur (DAM)	Merangin		
Sub Total			432,677	

Table 5. Take Over/Joint Operation Scheme.

No	Company	Location	Gross Area (Ha)	License Progress
Take Over				
1	PT. WANA TELADAN	TANJABBAR	9,800	Negotiation process
2	PT. INJAPSIN	MERANGIN	61,610	MoU on 3 April 2007
3	PT. ARANGAN HUTAN LESTARI	TEBO	9,400	Due diligence process
4	PT. JEBUS MAJU	MERANGIN	15,012	Changed to PT. DAF in 2012
Joint Operation				
1	PT. WANA MUKTI WISESA	TEBO	9,105	
SUB TOTAL			104,927	
T O T A L			537,604	

From Tables 3, 4 and 5, it may be concluded that all of production plantation forests in Jambi Province are being controlled by SMG through its subsidiaries and joint operation schemes with the local government. PT DAM, which owns the license for 25,990 hectares, is part of SMG's scheme of expanding the HTI concession on eucalyptus and rubber plantation, with eucalyptus as the main crop to supply raw materials. Companies joining SMG are PT Indah Kiat, PT Tjiwi Kimia, PT Pindo Deli, and PT Lontar Papyrus, all under APP (Asia Pulp and Paper Co. Ltd). Based on data provided by APP in 2006, the capacity of production of APP is shown in **Table 6**.

Based on the production capacity shown in Table 6, the expansion of HTI plantation is quite important for SMG. According to its public statement, the production capacity will be increased continuously, hence, the expansion and land monopoly will be a necessity for SMG. Such land monopoly, however, has

evicted peasants from their lands and livelihoods. It has also resulted in land conflicts that have claimed farmers' lives.

Table 6. Production capacity of APP in 2006.

No	Company	Production type	Production capacity (ton)
1	Indah Kiat	Pulp, paper and packaging + New product of cup stock base paper started in 2010	3.8 million
2	Tjiwi Kimia	Paper, packaging and pencil	1.5 million
3	Pindo Deli	Paper, tissue and packaging	1.1 million
4	Lontar Papyrus	Paper	750,000

The impact of land grabbing

The indigenous peoples of Tanjung Benuang Village can no longer farm in the HPT area. This government decision on forest function has forced the people to leave their own farmlands. In the second enclosure in 2004, the people were marginalised because it had effectively decreased the size of their agricultural land. Their income has decreased as well.

The people have to survive on one hectare of land. Some people have resorted to looking for daily livelihood from irregular labour.

The indigenous peoples of Tanjung Benuang in resisting land grabbing

Resistance to land grabbing has emerged after the entry of PT DAM to own the HTI permit in the former HPH areas of PT Sarestra II and PT Nusalease TC, although actual land grabbing has already started since the release of HPH concessions to the two companies.

People's resistance is being supported by NGOs in Jambi and the vice-president of Merangin District. The resistance to the land grabbing by PT DAM has resulted in the revocation of its permit by Minister of Forestry in 2009. The area is then being proposed to become a village forest.

Conclusion

The indigenous peoples of Koto Sepuluh have already lived in their ancestral land long before the existence of the Indonesian Republic. They have their own land laws that governed land tenure, management of agricultural lands, managed hunting, and ways to open the forest. In principle, the indigenous land laws are against the monopoly of land. They also try to sustainably govern the forests and nature for the next generations. Indigenous laws are also

governing the structure of leadership among the people and managing the conflict resolution within the community. It is reasonable therefore to strengthen the indigenous land laws in accordance with the need and struggle for genuine agrarian reform.

The State has systematically abrogated the indigenous laws of the Tanjung Benuang Village by issuing law on village administration. Through the imposition of this law, the land of the people has been grabbed through the granting of HPH concession to the companies, creating untold misery to the village peoples. People have to be aware of the indigenous laws in order to defend and fight for them at all costs. This awareness shall give them courage and faith to fight back and stop land grabbing. Organizing work is a must therefore.

Sri Lanka

Green washing with Eco Golf Resort Project: Soragune case study

By Sri Lanka Nature Group

Introduction

Large-scale land appropriations have dire consequences on natural resources and the well-being of communities. It is important to identify and analyze the different forms of land grabbing and the adverse effects as well as to formulate policy-level mechanisms to prevent serious repercussions, most of which are irreversible. Among the cases in Sri Lanka is the proposed 'Eco Golf Resort' project of Soragune, which has posed threats to the agriculture and biodiversity of the area.

According to the Central Environment Authority (CEA), this is going to be a massive luxury hotel with a golf ground inclusive of swimming pools, 18-hole golf course, 5,426 rooms, and 922 building units, with gross floor area of 226,350 square meters.

"Golf resorts can be established with minimal environmental impact. But the environmental and social factors of the target area are not suitable for such establishment. Since the area is covered by natural forest it has to be completely clear that the project will affect the entire biodiversity of the area. Therefore we believe, this project is also doing what others do, which is greenwashing."

Objectives of the Study

The overall objective of the study is to examine the environmental and social effects of 'Eco Golf Resort' project in Sri Lanka. The following are the specific objectives:

1. To identify the environmental issues related with the target development project
2. To study the social issues related with the target case
3. To elaborate the present attempts made by the community and activists to overcome land grabbing

Methodology

Both primary and secondary data were collected for the study. All the published articles and court cases regarding the issue were referred to with the support of CEA and the Centre for Environment Justice (CEJ).

Primary data were collected through observation visits and interviews. A pretested semi-structured questionnaire was also used for a survey targeting 50 directly affected people who were selected randomly.

Focus group discussions (FGDs) were arranged and conducted according to a prepared set of guidelines. FGDs included government and non-government officers who are working in the area and are leaders of the farmers' societies.

Key informant interviews (KII) were conducted with 25 individuals including academics, social scientists, researchers, environment lawyers, and media practitioners according to a prepared structure.

Limitations of the study

The biggest obstacle was the tendency of those carrying out the project to provide false information. The secrecy surrounding the nature of the project, techniques used, and the extent of the land create difficulties in the final analysis.

Data Analysis

The data gathered from various data collections tools were tabulated and analyzed as below.

Physical environment and human landscape of the area

The proposed golf course and hotel area belongs to the Badulla district in Uva province of Sri Lanka. Dadayampahagama of Ranwanguhawa Grama Niladari

Division in Haldummulla Divisional Secretariat area is the target village. It is being proposed to clear 628 acres from the Kosgahamakada forest that is in the custody of the Soragune Temple (Devala). The project also lies in the Bogahapattiya-Samanala Wewa proposed sanctuary. The site is also a main catchment area of the Weli Oya Irrigation Scheme and is an important dwelling place of the elephants of the Udawalawa National Park.

The area is agricultural and more than 90% of the population is directly or indirectly linked with agriculture. Paddy is the major crop of the area while vegetables, cereals, pulses, root crops and spices are cultivated as the minor crops. Farmers are adapted to cultivate in two seasons depending on the irrigation water. More than 98% of the community is Sinhlese Buddhist. Among the farmers 82% are cultivating paddy and they are highly dependent on the irrigated water of Weli Oya.

According to the information collected by the survey the socio-economic activities of the villagers are strongly linked with the forest resources. They are utilizing the non-timber forest products without harming the biodiversity of the forest. Harvesting of medicines, mushrooms, bee honey and firewood is prominent among the villagers.

The project implementing agency

Alpha and Omega Developers is the company that has bought the 628 acres of land. The head office of Alpha and Omega Developers (Pvt) Ltd is situated in No. 65/B, Dharmapala Mawatha, Colombo 7. It is supported by a US-based Sri Lankan businessman named Vasu Nawalingam.

The major objective of the project is to attract more tourists for the country and to increase the income of the tourism sector. The project also aims to improve infrastructure facilities including road and communication networks for easy access by tourists. Almost all people in the community are aware of the proposed project because of the campaign conducted by the project implementer.

Land ownership and legal background

Since ancient times lands allocated to *devales* were divided into two categories: one is the category of lands given to the *devale* to be used for generating income for the place of worship; another is category of lands allocated to the families of workers who have worked for the *devale* for generations. *Devale* is a place of worship in Sri Lanka, which displays the close relationship between two religions of Hindu and Buddhism.

The Sri Lankan government is signatory to many international conventions and declarations relating to environment protection such as Stockholm Declaration on Human Environment 1972, Paris Convention 1972, Paris declaration on the responsibilities of present generation to future generation 1972, and Johannesburg declaration on sustainable development 2002.

Building Community Resistance Against Land Grabbing

According to Gazette Notification bearing No.772/22 published under the provisions of the National Environmental Act No. 47 of 1980 and its amendments, for any non-forest use developmental project carried out within an area of more than one hectare, prior written environmental recommendation should be obtained subject to the environment impact assessment (EIA) process. According to the National Environmental Act the proponent of the project should submit an Initial Environment Examination (IEE) or an EIA report relating the proposed project and to obtain approval for the implementation of the project. After that, newspaper advertisement should be published and must invite public comments. But even without the approval of CEA, trees have been marked for felling.

Environmentalists have raised objections especially on not receiving an EIA report from the CEA. The Irrigation Department has already objected to the project claiming the adverse impact it would have on the irrigation system in the area, prompting the CEA not to grant its approval.

Organizations and institutions working on this issue

- Organization for the conservation of Welioya
- "Nagena tharu" youth association
- Centre for Environment Justice
- Environment Conservation Trust/ Sri Lanka Nature Group
- Participatory Alliance for Right to Land
- Department of Irrigation
- Department of Wild Life Conservation

Objections, comments and lobbying

Objections have been raised by environmentalists and authorities including the Irrigation Department and the CEA against the proposed hotel and golf course project in the Soragune forest reserve in Badulla. The CEJ has filed a case before the court of appeals against the project. Case number CA. AP. No. 671/2011 is to be taken up for hearing on November 5th 2011.

The application has highlighted issues ranging from the threat to the Veli Oya water resource zone in the Soragune area, the dispute over the ownership of the land, and the decision of the CEA not to grant approval for the project after the Irrigation Department filed its complaint.

The lands for the hotel have been acquired from the Forest Department and the Kuda Kataragama devala. Environmentalists say that the land marked for the project is the catchment area for the Weli Oya and Kalkan Oya.

The CEA, which is the fourth respondent in the case, has stated that it had not processed the EIA due to certain issues over the project. The CEA has stated that Alpha and Omega Developers has requested for an EIA but was not granted due to issues over land ownership and objections raised by the Irrigation Department.

On December 5, 2011, CEA Chairman Charitha Herath in a letter to the Director General of the Sri Lanka Tourism Development Authority (SLTDA) wrote that the ownership of the land was unclear since the Basnayake Nilame of the Soragune Devala had informed the CEA in writing on November 3, 2011 that the land belonged to the devala. Herath also noted that the Irrigation Department on August 16, 2011 had stated that it could not recommend the project due to the adverse impact on the Veli Oya irrigation scheme. Director of the Irrigation Department, Engineer Y. Abdul Majeed had informed in his letter to the CEA that the project could not be recommended and that a field study had been carried out in the area. He stated that it was found that the proposed project was to take place in the upper catchments of the Veli Oya irrigation anicut. Anicut is a dam or mole made in the course of a stream for the purpose of regulating the flow of a system of irrigation. According to him, the land is located in the water resource area of the Kalkan Oya that provides water to two other streams. Clearing the land for the proposed project would have an impact on the water supply to the Veli Oya irrigation system.

The Veli Oya irrigation system currently provides water to 27 tanks, which in turn irrigate 3,000 acres of paddy land during both Yala and Maha seasons. Majeed has also pointed out that the water levels in the Veli Oya anicut would go down when the water required for the hotel and golf course was pumped from the irrigation scheme.

However, environmentalists have alleged that despite concerns raised by the Irrigation Department and the non-issuance of an EIA by the CEA, clearing of the jungle area and marking of trees to be cut down were already being carried out in the Soragune jungle. They have explained that apart from the livelihoods of thousands of families dependent on the Veli Oya irrigation scheme, the area is also rich in biodiversity and that an endemic plant, *Uva Mandora*, is found in the area. Interestingly, the land marked for the hotel project is also said to block the elephant corridor between the Uda Walawa National Park and Bogahapitiya sanctuary. Convener of the Soragune Protection Society, Ven. Nellivala Sumedhalankara Thero said that the hotel and golf course project would have an adverse impact even on farmers in the Moneragala District. He reiterated that the people have raised objections to the project due to the threat to their livelihoods, problems with wild elephants, and cultural issues.

On March 8, 2011, the Basnayake Nilame wrote to Alpha and Omega Developers Pvt Ltd asking the company to discuss the details of the project. All these documents have been filed before the court including a letter by Uva Province Chief Minister Shashindra Rajapaksa who is opposed to the proposed project. In a letter dated July 5, 2011 to District Secretary Rohana Keerthi Dissanayake, Rajapaksa asked that steps be taken to stop the project, since it would have an adverse impact on over 5,000 farmer families. The Thanamalvila Pradeshiya Sabha Chairman, Wasantha Liyanagamage, Moneragala District Secretary and the Haldummulla Divisional Secretary have all expressed concerns over the project highlighting the adverse impact it would have on the area.

Adverse effects of the project

The adverse effects of the project include environmental, economic, social and cultural destructions which are closely linked with each other. The hotel and golf course are to be built in a 628-acre extent of land located in the Weli Oya water resource zone and if completed would have adverse impacts on farmers in the Badulla as well as the Moneragala Districts, as follows:

1. There are over 7,000 trees that have been marked to be cut down, even without an EIA and with protest by the Irrigation Department.
2. The land marked for the hotel project blocks the elephant corridor between the Uda Walawa National Park and Bogahapattiya sanctuary. If the project proceeds, the elephants would be forced to enter villages resulting in a massive human-elephant conflict. The hotel and golf course project would violate the human rights of the present and future generations. Shermin de Silva, a conservationist who has studied the elephants of Udawalawe, says the area is a vital elephant habitat. Bogahapattiya has unique mineral deposits that serve as salt licks. These natural mineral deposits provide essential nutrients for animals living in nutrient-poor ecosystems.
3. This is prime forest territory, with savannah grasslands inhabited by elephant, bear, sambhur, and other animals. Precious tropical deciduous forestland in Bogahapattiya is threatened by developers. Should the golf course project go through, Sri Lanka will lose considerable area of an extremely biodiverse forest. These tropical deciduous forests, as they are called, are the most threatened forest type on earth, according to conservationists. These forests are under greater threat than rainforests: they are being lost at a faster rate and cover land areas that are very favourable to human activity.
4. Loss of vegetation caused by deforestation leads to soil erosion and run-off. The silted water ends up in the Weli Oya reservoir, which irrigates more than 3,000 acres of paddy land and feeds 27 small tanks.
5. Apart from serving many environmental needs, the forest also feeds two streams that enter the Weli Oya, which in turn feeds into the Walawe. After implementing the project these streams will dry off, creating a huge water problem in the area. The entire area is a hugely important watershed for populations downstream. The land selected for the golf course comes right up to where the two streams, including the Demata Ara, join up with the Weli Oya at a small dam. Construction work on the intended golf course will disrupt the Weli Oya irrigation system. Speaking on behalf of the villagers of Bogahapattiya, senior Buddhist monk Nelliwala Sumedhalankara Thera said thousands of families depend on agriculture based on the waters of the Weli Oya.
6. In order to maintain the golf course in good condition, water and the fertilizer urea as well as pesticides should be used in large quantities.

Further, aluminum compounds should be applied to the field in order to enhance binding of soil particles and prevent soil erosion. These chemicals will finally accumulate in the tanks irrigated by the Weli Oya Irrigation Project. Contamination of these tanks causes serious health problems in the community that depends on these tanks for their water requirements. There is a threat of skin diseases and cancer due to the intensive use of pesticides and other agro-chemicals for the management of golf ground. That will be harmful to existing faunal and floral diversity.

7. An extensive study has been carried out on the vertebrate diversity of the Bogahapattiya-Soragune-Samanala Wewa Forest Area by Mr. L.J. Mendis Wickramasinghe of the Herpetological Foundation of Sri Lanka. The unpublished report, 'A Vertebrate Faunal Survey of Samanala Wewa, Towards Declaration as a Wildlife National Park' identifies around 390 species from 5 vertebrate families. Out of that, 59 are endemic to Sri Lanka. Around 40% of the total number of vertebrate species and 19% of the endemic vertebrate species in the country are found in the area, according to the report. A number of extremely rare species and also several new species have been recorded from the forest. It is noteworthy that some species that were hitherto recorded only from the Wet Zone have been recorded from this area, which lies in the Dry Zone. The Wet Zone fish species Comb tail (*Belontia signata* - thal kossa) and Black ruby barb (*Puntius nigrofasciatus* - bulath hapaya) have been recorded from this forest. Two new species of amphibians of the genus *Pseudophilautus* which were discovered during the study are yet to be described. Moreover, two rare tetrapod reptiles, Leschenault's Snake Eye (*Ophisops leschenaultia*) a species of Family Lacertidae and *Dasia haliana*, an endemic tree skink that belongs to family Scincidae have been recorded. In addition, two undescribed snake species belonging to genera *Hypnale* and *Trimeresurus* were also recorded. Both these snakes are yet to be named. Further, two new species of blind snakes belonging to the genus *Typhlops* were also found in the area. In addition several rare bird species, both endemic and migratory, have also been reported. Endemic Red Faced Malkoha (*Phaenicophaeus pyrrhocephalus*) was found in the riverine forest patches, while Indian Golden Oriole (*Oriolus kundoo*), Oriental Bay Owl (*Phodilus badius*), Chestnut-winged Cuckoo (*Clamator coromandus*), Rufous Woodpecker (*Micropternus brachyurus*), Rufous-bellied Hawk Eagle (*Lophotriorchis kienerii*), and Frogmouth (*Batrachostomus moniliger*) have also been reported. All these faunal species are threatened by the development project. (See **Table 1**)

Table1. Animal species threatened by the project

Threaten type	Species
Fish	Comb tail (<i>Belontia signata</i> - thal kossa) and Black ruby barb (<i>Puntius nigrofasciatus</i> - bulath hapaya)
Amphibians	genus <i>Pseudophilautus</i>
Tetra pod reptiles	Snake Eye (<i>Ophisops leschenaultia</i>)
Birds	Red Faced Malkoha (<i>Phaenicophaeus pyrrhocephalus</i>), Indian Golden Oriole (<i>Oriolus kundoo</i>), Oriental Bay Owl (<i>Phodilus badius</i>), Chestnut-winged Cuckoo (<i>Clamator coromandus</i>), Rufous Woodpecker (<i>Micropternus brachyurus</i>), Rufous-bellied Hawk Eagle (<i>Lophotriorchis kienerii</i>) and Frogmouth (<i>Batrachostomus moniliger</i>)

Recommendations of the study

1. The area should be declared as a conservation area by considering biodiversity and social cultural importance of the area.
2. The social and cultural activities of the area are directly linked with the forest and other natural ecosystems of the area. The area should be protected for the sake of future generations while the existing resources for the development should be sustainably utilized.
3. The project implementation and related infrastructure development are not sufficient to compensate for the biodiversity loss and other socio-economic destructions.
4. The archaeological value, biodiversity, agricultural diversity can be utilized for the enhancement of ecotourism, which helps to protect the existing ecosystems more than the construction of hotel and golf course.
5. A feasibility study should be conducted first before the implementation of similar types of projects.

Annex 01: Questionnaire for survey

Information Survey for the directly affected community of Proposed Golf Course at Soragune

1. General Information
 - 1.1. Name 1.2 GN Division
 - 1.3. Age 1.4 Number of family members
 - 1.5 Major Source of Income
A. Agriculture B. Trade C. Other in this a
2. For how long have you been engaged in farming?.....
Area under cultivation
3. Types of cultivated crops
Vegetables Fruits Paddy
Pulses Other crops
4. Number of seasons cultivating per year
5. Main source of irrigation water
A. Weli Oya Other
6. Average income per season.....
7. Problems related with agriculture
.....
.....
.....
.....
8. What are the major pest attacks in the area?
.....
.....
.....
9. What do you harvest from the Kosgas Mandiya Forest?
Medicines Mushrooms Fire wood
Bee honey Other NTFP
10. What is the main source of drinking water?
11. Will your farming be affected by the proposed golf course project?
A. Yes Don't know No
12. What are the problems associated with water in your area?
.....
.....
.....
13. Are you aware of proposed Golf Course project?
A. Yes No

Building Community Resistance Against Land Grabbing

- 14. Where did you get the information about the project?
Community of the area Media Other
Other sources.....
- 15. What is your opinion on the proposed project?
Very good Good Moderate Bad
- 16. What are the expected benefits of the project?
Infrastructure facilities Extra source of income
Expanded employment opportunities
- 17. What are the expected adverse effects of the project?
Threat to agriculture Threat to social conditions
Economical threat Threat to the environment
- 18. Is there any conflict between the wild animals and villagers of the area?
- 19. Have you received any message from the project implementers regarding the benefits of the project?
- 20. Special remarks
-
-

Sri Lanka

Looting of sustenance lands: Kalpitiya Islands case study

By National Fisheries Solidarity Movement (NAFSO)

Introduction

The Grand Tourism Project which was planned by the Tourism Authority of the central government has acquired approximately 1,700 hectares of land in the isles of Puttlam Lagoon. The total area in the isles has been a traditional fishery people's habitat for generations. Presently, there are 2,640 fishery families sourcing their livelihood from the isles.

The proposal to acquire the fisherfolk's lands was initially approved as enacted in 2005 through the Tourism Affairs Act No.38. The Gazette Notifications No. 1568 / 18 and No. 1549 / 7 were published on 01 August 2007 and 13 May 2008, respectively. Currently, the fisheries isles have been acquired, blocked out and sold or leased to tourism industrialists while the families are in the islands.

Kalpitiya is a peninsula in the Puttlam District comprising 14 main islands. It separates the Puttlam Lagoon from the Indian Ocean and is a marine sanctuary with a diversity of habitats ranging from bar reefs, flat coastal plains, salt pans, mangroves swamps, salt marshes, and vast sand dune beaches. Dolphins, sea turtles and coral reefs are plentiful in the zone. The 14 islands have a total landmass of 1,672.67 hectares.

Kalpitiya is home to 64,908 people (2009 Census), of which 12,967 are small-scale fishers, and with 25% of women engaged in fishing-related activities, according to one FAO research.¹ Kalpitiya is also one of the 15 sites for Sri Lanka's Tourism Development Strategy, which was formulated as early as 2003. The acquisition of some 4,000 acres of land for the project has actually begun in 2004 pursuant to a Cabinet decision.²

Building Community Resistance Against Land Grabbing

According to the Conceptual Master Plan, the following infrastructures are intended to be built in the islets:

- 6,030 lodging units, including 5,052 (4, 5 and 6 star) hotel rooms and 978 other units in the form of 200 cottages, 183 chalets, 205 villas (including water bungalows), 135 houseboats, 115 tents, and 140 cabanas
- 1 Underwater restaurant for 100 people
- 1 Full-fledged international standard 18-hole golf course
- 1 Indoor sports complex
- 1 Race-course with a riding school and 20 stables
- 1 Tennis academy with 12 courts
- 1 Domestic Airport (Palavi)
- 2 Yacht marinas
- 2 Seaplane harbours
- 1 200-bed international standard hospital with a sanatorium

In addition, the infrastructure planned but not specified in terms of numbers includes:

- Helipads/landing points³
- Desalination plants, since potable and fresh water is in short supply
- Sewage treatment facilities
- Electricity distribution and regulation facilities
- Solid waste disposal facilities
- Roads – Recent proposal of construction of a super Highway connecting Katunayake international airport and Puttlam with the funding assistance from UAE worth US\$500 million
- Shopping arcades, restaurants, etc.
- Public parks and landscaped areas

Infrastructure of this gigantic scale points to the need for one success factor or ingredient – the presence and use of ‘available’ land. In other words, the eventuality for land grabbing is at its greatest. Land must be made available and acquired at all cost. The Kalpitiya communities’ control of their land and resources, which are their prime sources for survival, is being threatened.

Initial issues identified

This early, the so-called tourism development strategy is posing various problems:

On local employment, the Sri Lanka Tourism Board claims that the Kalpitiya Integrated Tourism Development Project will generate at least 15,000 jobs directly and a further 22,500 jobs indirectly. The Guidelines for Investors claims that the project will generate 50,000 indirect jobs.⁴

It is important to note, however, that the resorts being planned are essentially upscale properties targeting the higher end of the global and regional tourist traffic. Minimum requirements for frontline service staff would be an O level, which means staff should have competency in English and aptitude for service.

The 2006 survey by the Department of Census and Statistics shows that 11.3% of children between the ages 6-14 did not attend school and that the percentage of student population that passed the General Certificate of Examination (Ordinary Level) and General Certificate of Education (Advanced Level) and higher were a mere 9.5 % and 3.7 %, respectively.⁵ Also, only 1,437 out of 160,123 in the entire Puttlam district, according to the 2006 survey, were studying in an English medium school.⁶ At the end of the year 2008, 4,275 people completed their education at GCE O/L level; 1,487 at GCE A/L; and 100 graduates of arts, sciences, commerce, and others.

Opportunities for local employment are therefore not realizable. And even if indeed a substantial number of local residents get to be employed in any of the tourism-related establishments or operations, jobs would be of low pay, casual, and saddled with problems such as long working hours and abuses.

Another issue is carrying capacity. The significant addition of physical infrastructure and related construction activities, as well as population of projected guests and visitors, and the workforce requirements have significant implications on the ecosystem fragility and freshwater availability.

Sri Lanka ranks 38th among 187 countries with biological diversity potential. The Puttlam lagoon, along with the Dutch Bay and the Portugal Bay, forms the largest brackish water body in Sri Lanka with a total water surface of approximately 32,700 hectares, and plays host to the following species:

- 233 species of birds, 64 mammals, 32 fish, several corals, reptiles, insects and crustaceans, as well as 47 species of beach and sand dune plants, 20 salt marsh plants, 18 species of mangrove, 10 sea-grasses, 15 tropical thorn forest plants and 13 dry mixed forest species.⁷
- According to the International Union for the Conservation of Nature (IUCN), some 20 species of mammals, 23 species of birds and 7 species of fish are nationally threatened with several of the species found in the lagoon and endemic to Sri Lanka;⁸
- Bar Reef Marine sanctuary, located northwest of Kalpitiya, is "one of the most biologically diverse coral reefs in Sri Lanka,"⁹ parts of the reef extend to within 3 kilometers off the coast;
- Around 35 kilometers north of the Puttlam Lagoon is the Wilpattu National Park, which is home to a variety of wildlife, including large mammals and other types of fauna.

Building Community Resistance Against Land Grabbing

Furthermore, a 2008 research into the state of coastal resources in Puttlam emphasizes that for over two decades mangroves and salt marshes had steadily decreased, owing to a range of reasons including shrimp farming, unsustainable fishing practices, population pressure, and resettlement of displaced people on environmentally fragile areas.¹⁰

In relation to carrying capacity is the scarcity of fresh water. According to the guidelines issued to investors, provision must be made for a minimum of 1,000 liters of hygienic water at “internationally accepted quality” per guest per day.¹¹ Assuming daily guest presence of 7,000 (which is already a conservative estimate for over 6,030 lodging units), this amounts to 35 million liters of water per day.

Kalpitiya is Sri Lanka’s arid zone, a region that is characterized by low precipitation and receives the least amount of rain in the country. A November 2008 report of the Asian Development Bank (ADB) notes that water resources in the dry zone, whether in the form of rivers or groundwater, are scarce and aquifers are “fragile and at risk; the situation is deteriorating as uncontrolled extraction intensifies”.¹² The report also notes “increasing over-extraction of groundwater, resulting from population and development pressures, and the use of water resources for multiple competing uses has led to fast depletion of the aquifer and salinity intrusion.”¹³

Foreseeing a serious shortage of water, the Master Plan envisaged an unspecified number of desalination plants across the islands. The Master Plan listed desalination plants in Baththalangunduwa, Palliyawatte and in more than one section of Uchchimunei (including a mini-desalination plant in one section) and Mutwal, which are three of the Kalpitiya islands.

Inflow into desalination plants can suck in significant quantities of marine life, especially smaller organisms and species which can either go right through downstream with high mortality rates or get trapped between or against various physical barriers and filters. The biggest effluent, by volume, from desalination plants is brine discharge—the highly concentrated part of the inflow that is not converted into fresh water.

The brine discharge will not only have a very high salt concentration—nearly twice as that of input sea-water—but is also often at much higher temperatures, which will undoubtedly have a significant impact on a fragile marine ecosystem¹⁴ such as off the coast of Kalpitiya. In addition, the effluent may include residues of coagulants, anti-scaling and cleaning agents, heavy metals, etc., all of which will also have a significant impact on the marine environment.¹⁵ The loss of biodiversity and ecosystem preservation is a matter with gross economic and social consequences.

Another issue is the imminent impact on cultural diversity. Kalpitiya is a multi-ethnic, multi-religious community where ethnic harmony has existed for

generations. Even during the war time, no ethnic or religious-based disputes ever occurred. The Uchchimune Isle has a mix of Sinhala and Tamil cultures also.

This is the beauty of the communities as most of the people are Sinhalese by ethnicity though their mother tongue is Tamil. For a country like Sri Lanka in a post-war context, it is important to promote the ethnic harmony among communities where all people can communicate, organize and work together for reconciliation. Kalpitiya can be a good example to the whole country. **(See Table 1)**

Table 1. Population distribution by ethnicity and religion

Ethnicity		Religion	
Sinhalese	27,176	Buddhist	4,178
Muslims	25,440	Catholics	30,635
Tamils	12,339	Muslims	25,440
Burgher	12	Hindus	4,656
Total	64,908	Total	64,909

Source: Socio, economic data Kalpitiya DS Division, 2009

It is equally important to note that the population of Kalpitiya is very young, with 45% in the age category of below 18 years. This demographic picture is encouraging as the new generation can be the engine of the future of the country and they are not corrupted as the current elder generation. **(See Table 2)**

Table 2. Population distribution by age groups by 2008

Age Group[Years]	Female	Male	%
0-5	5,684	5,279	17
6-18	9,131	8,576	28
19-69	16,290	15,852	49
Over 60	2,157	19,239	6
Total	33,262	31,646	64,908 [100%]

Source: Socio-Economic data, Kalpitiya DS division, 2009

This brings another concern about the issue of tourism and the future of the communities vis-a-vis the youth. The social fiber will be in danger from businesses associated with the tourism sector. Drug addiction, blue boys, prostitution, casino, and many more social hazards are directly linked with the tourism businesses as what happened in many other places in Sri Lanka such as Hikkaduwa, Unawatuna and Negombo areas. The affected group is the younger generation which tends to get entangled easily with such sensitive matters.

Building Community Resistance Against Land Grabbing

The National Fisheries Solidarity Movement [NAFSO] is implementing a fisheries development program in Kalpitiya and vehemently opposes the tourism development strategy for the above critical context, among others. Guided by a human rights-based framework and ecosystem approach to fisheries governance, NAFSO strongly contends that:

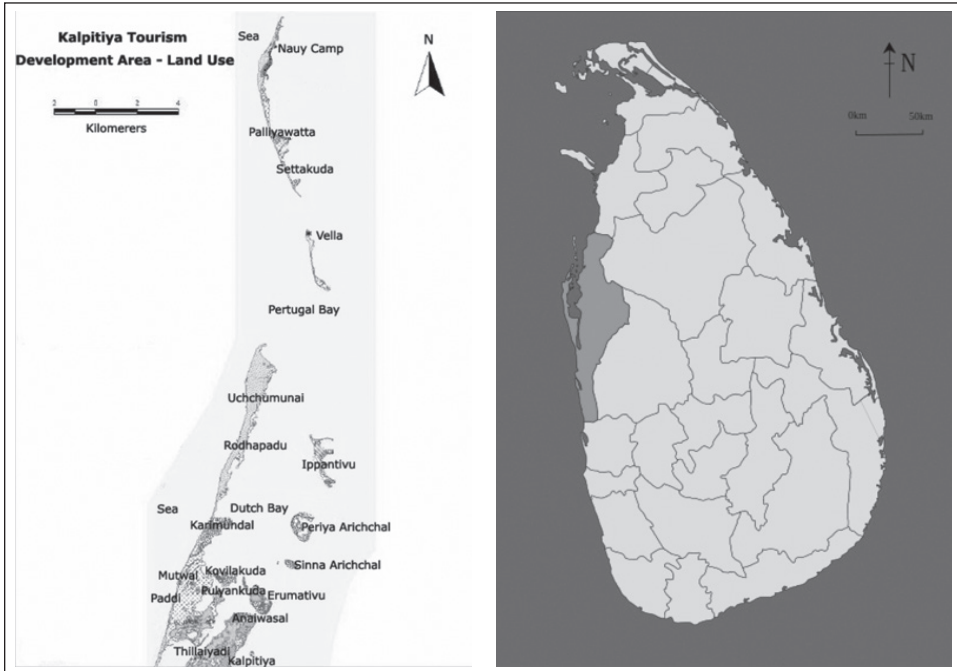
- The tourism project is adversely affecting the livelihoods of the people and will surely have a negative impact on their social and cultural realities.
- Already, the project has caused some land alienation resulting in considerable restrictions on people's access to sea, fishing and other land-based activities.
- Entire communities face an imminent threat of displacement.
- The process is suffering from a comprehensive absence of precise and timely information for communities. Non-transparency, non-accountability and non-responsiveness on the part of the government and the consequent lack of people's participation is a matter of grave concern.
- While an environmental impact assessment (EIA) of the project has been done, no such study on its socio-cultural and economic impact has been conducted. Even the EIA report was not made available to the public in a timely fashion.
- In anticipation of large-scale private sector investment, a detailed Investors Guideline Guidelines for investors has been prepared. However, corresponding regulatory mechanisms are yet to be properly put in place.
- There is a groundswell of resentment and resistance against the project. However, resistance has been weak so far due to lack of information, coordination and apprehensions of reprisal by the state.

To bring home and strengthen its points for contention, NAFSO initiated an exploratory study from December 2012 to March 2013. The study is an attempt to provide a detailed description of the implications of a tourism development program that has actually started and with widely destructive potential on the environmental landscape of such a small area as the Kalpitiya Peninsula. The end does not justify the means and this research report intends to prove this, in order to create ripples and waves of support against a potentially irreversible internal disaster.

The study areas

The study covers the following fishery/fishing locations in the Kalpitiya divisional secretariat of Puttalam District: Dutch Bay, Uchchimune, Mutwal,

Figure 1. Map of Kalpitiya Tourism Zone in Kalpitiya peninsula in a map of Sri Lanka



Sinnamunnakkarei, Rodapaduwa, and Illuppanthive Islands in Anawasala, Periyakudirippu, Sinnakudirippu, Mandalakudawa and Vannimundel Grama (Village) Officer's Division. (See Figure 1)

There are also 14 isles where data will be collected. These isles, which have been marked for lease to private companies for the construction of tourist hotels and claimed by a gazette notification by the government, are as follows:

Name of isles and extent of land

Name	Hectares	Name	Hectares
1. Velle 1	1.55	8. Sinna Iramathive	2.22
2. Velle 2	18.80	9. Iramathive West	4.53
3. Velle 3	13.70	10. Kaarathive	4.53
4. Illuppanthive	76.88	11. Battalagunduwa	145.53
5. Periya Arichchali	45.60	12. Palliyawatta	60.89
6. Sinna Arichchali	16.82	13. Uchchimune*	449.30
7. Iramathive	101.52	14. Mutwal	716.14

Total acreage 1,672 ha.

Uchchimune* (covers Sinnamunnakkarei, Boatwadiya and Rodapaduwa)

Basic facilities available

Water and housing

Mutwal, Keerimundal and certain parts of Uchchimunei Islands have ground water which can be used for drinking and washing. The water, which is clean and could be collected within 3-4 feet depth, is with less salinity and can be used for daily consumption. In other areas, meanwhile, people are having a hard time with water supply as 20 liters of can of water cost Rs. 100.

In Mutwal, Uchchimunei, Sinnamunnakkarei and Rodapaduwa Isles, only few houses are built with cement and bricks that were donated by the Samurdhi Bank for widows under the Diriya Piyase scheme in 2009. Majority of the houses are made of cement block walls and cadjan roof and have plank walls. Few households have solar power lighting and three households have generators.

People in Illuppantive isle shared with the research team that it has been the tradition for other fishermen from other parts of the country to go there for fishing during the harvest season. But that advantage is being deprived now with the grand tourism project. According to the residents, 850 families from Uchchimune Isle alone had to leave and are now temporarily settled in Negombo, Chilaw, Kalpitiya, and Karukkupone, etc. But they are hopefully waiting to return to Uchchimune Isle. These families had to leave their original homes as a result of the civil war. But now that the civil war is over, they remain displaced as a result of their land's acquisition.

Education facilities

There are 120 school children in Uchchimunei Isle, 45 in Iluppanthive Isle, and 85 in Mutwal Isle. There are only primary schools. There is no schooling for above primary, or beyond eighth grade. If parents want to educate children up to secondary or tertiary levels, they have to send their children daily by boat or allow their children to board in Kalpitiya or in Negombo. The condition has discouraged parents from sending their children to school. Many children thus give up schooling after primary education. The research team also noticed that even primary school-age children are working with their parents.



Artist's rendition of the proposed 5 Star hotel complex at Uchchimune Island.
Source: <http://news.lk/news/sri-lanka/3556-luxury-hotel-complex-at-uchchimunai-island-in-kalpitiya>

In Mutwal Isle, there is a family with 6 children who have no birth certificates. There are 50 such children in Mutwal, Uchchimunei

and Keerimundal islands. The birth certificate is a requirement for enrolment in school.

In Uchchimunei Isle, there is a school for children up to grade five. However, the curriculum is using only Sinhala language while most of the island children speak Tamil only. In Sinnamunnakkarei Isle, there are 15 children who receive education in Uchchimunei. They have no way of schooling after grade five as Uchchimunei also has education facilities up to the fifth grade. Some of the parents have taken some positive steps to educate their children with the help of their relatives who are living in either Kalpitiya or Negombo. Meanwhile, there is no school in Illuppanthive Isle. Parents have sent their children to board in Kalpitiya where they have some relatives.

Who owns the land? Views of the island communities

There are two lenses to examine 'ownership'. There is legal ownership, "recognized foremost by society, and hence the rights that come with ownership are specified and protected by the legal system". There is psychological ownership "recognized foremost by the individual who holds this feeling and manifests the felt rights associated with [it].... furthermore, psychological ownership can exist in the absence of legal ownership." (The State of Psychological Ownership: Integrating and Extending a Century of Research, Jon Pierce, et al, 2002). For the Kalpitiya people, their claim of ownership for their land evolved from socio-cultural practices. In this context, the passing down from ancestors - of ancestral homes, of Catholicism, of fishery practices - came out of the study.

"We have been living in our lands for the last 70-80 years. Now our people are frightened with the news that our lands are being acquired for the tourism industry. If our lands are acquired we will be deprived of everything including our livelihood. We are frightened of that. The government might not help us. The officials want us to produce 'deeds' for lands if we need any assistance from them."

- Asanka Cruz –*Fisherman, Sinnamunnakkarei Isle*

"Even our parents were born here. We were born, bred and employed here. We are living free of trouble and no one can chase us out of our village. We shall not go. They cannot move us out of our village."

- Marian Appuhamy, Rajesh Kureira – *Uchchimune Isle*

"Everybody in our village belongs to one religion. We have no social disputes. The lagoon and sea are our resources and our cottages by the lagoon and ocean have made it easier for us to carry out fishing. Although we don't have much comfort here, we are living free."

- Anton Suresh, Anthony Shelton, Madhurani Almeida, Evigin Thuram–
Uchchimune Isle

Building Community Resistance Against Land Grabbing

The ancestors of all of the inhabitants have migrated from the main land such as Negombo, Chilaw and Kalpitiya. Kinship contacts with their great grandparents' descendants are still maintained.

Attached to ownership is the control over the lands and fishing. This brings about the freedom of self-determination. Feelings of ownership lead the individual to make personal sacrifices, which generate even stronger feelings of ownership. The depth of psychological ownership of Kalpitiya was expressed by the inhabitants:

"Where are we going to live after our lands are occupied by foreigners? We don't like to forgo our lands for tourism. Even if we were given money, we wouldn't exchange our lands."

- Warnakulasooriya Austin – Rodapaduwa Isle

"We have been living in this village for many years. We are not prepared to give up fishing as it is our only sustenance. If anyone tries to remove us forcefully we will come forward to take action on behalf of our people."

"We are aware of what goes on in other isles around here. Therefore we stay alert about our isle. If there is going to be injustice, we are ready to take action. We will seek assistance from those who are capable of giving us support in such situations."

- Soosai Dias, Franklin Tavarera, Selvaraj Dias, Madona Dias, Anthonyamma Fernando – Uchchimune Isle

"We don't have a place to go if we have to give up fishing and our cottage houses. For generations we have been living and fishing here. We don't know any other job but fishing. If there is going to be a threat to our livelihood, we will come forward against those stooges under any circumstances."

- Jesurani Kurera, Soosai Leenus Dias – Uchchimune Isle

The island inhabitants further expressed self-determination in the following views shared with the study team:

"We do not have deeds to the lands on which we live. Don't introduce tourism here. Our children will be corrupted."

- Shanthi Niluka Fernando – Sinnamunnakkarei

"We don't want tourism. Our present lifestyle is okay for us. If authorities are interested to take care of us, let us have a school for our children and give us a better housing project. We don't want tourism projects."

- Ranjith Cruz- Sinnamunnakkarei

"By now they have shut down the school at Keerimundal. We don't want tourism here. It would be better if we could have better roads and electricity."

- Ramani Fernando- Sinnamunnakkarei

The Catholic Church has been established in the islands even before the 18th century. The Keerimundal Church situated at the corner of Mutwal Island keeps a list of the names of priests who have served in the church. It is also proof that the islets have been inhabited by fisherfolk for centuries.

The old generation in Keerimundal had land deeds, but the new generation of settlers do not have deeds or transfer letters. Descendants say deeds were kept in the custody of the Bishop of Colombo as the area belonged to the Colombo Diocese before the 1940s. People had handed over their deeds to the Catholic Church through Rev. Fr. Buhural. These are just some indicators of the attachment of the people with the Catholic Church.

Fisheries people in Uchchimunei Isle have been ordered to vacate the island by the Grama officer. When the church in the isle was informed about the order, they asked for more details. The present fisheries settlers in Uchchimunei Isle do not have any legal document to prove their ownership. For a long time people have been agitating for deeds for their lands but were repeatedly turned down.

While psychological ownership was easily established in Kalpitiya, legal ownership continues to be a challenge. The research team found out that it has been a common notion among fisheries people not to think of holding any official document for land rights.

Inhabitants of Nonathottam [Penapitugama] and Sembukkuliya in the isle of Mutwal received official documents from Kalpitiya Divisional Secretariat for a 2 rood land block [1 acre of land=160 perches and 4 rood = 1 acre, hence 40 perches =1 rood] for each family on 20 August 1991 in a land registering program carried out under the 1979 No. 43, Land Donation Program. In the same land distribution scheme, on the same date, there was land distribution carried out for the Uchchimunei and Keerimundal fishing communities.

It is also important to mention that when the present President was the Minister of Fisheries in the year 2000, a housing scheme called Diyawara Gammana [housing scheme for fisheries communities] was launched in Mutwal Island. This was called Mutwal Diyawara Gammanaya at Mutwal. Part of the scheme was the granting of titles after the Land Distribution Act [Special Action] no. 43 of 1979.

Another form of legal ownership is the registration as voters. It was revealed in the study that most of the inhabitants of the isles have to go to their ancestry places for voting during elections. Settlers in Uchchimune isle told that their names were included in the Keerimundal electoral list. Surprisingly, though, their names have been removed from the Voter's List as of 2012.

An unfortunate reality that was discovered was that returning internally war-displaced people previously residing in Kalpitiya, now have no more lands to come back to. To return to one's previous residence is one indication of ownership, according to them. Thus, to come home to a 'missing' land is a

Building Community Resistance Against Land Grabbing

big setback for people who are trying to rebuild their lives after the war. It was found out that the 'missing' lands were part of those for the tourism plan. Present settlers in Illuppantive Isle informed the research team that more than 200 settlers left the isle during the civil war. Other displaced people are as follows:

- from Mutwal Isle: 35 Muslim families and 85 Sinhala families
- from Uchchimunei Isle: 850 fisher families
- from Sinnamunnakkarei Isle: 25 families of 100 people
- from Keerimundal Isle: 25 families
- from Rodapaaduwa Isle: 30 families
- from Bottuwaadi Isle: 5 families
- from Uchchimune and Sinnamunnakkarei Isles: 150 families (permanent residents)
- from Illuppantive Isle: 40 families

Patterns of land and water grabbing

Resource grabbing in general broadly refers to the appropriation of natural resources, including land and water, and the control of their associated uses and benefits, with or without the transfer of ownership, usually from poor and marginalized to powerful actors.

The patterns of land grabbing in Kalpitiya vary. War presented an opportunity for the government to grab and utilize lands used in the absence of the families who migrated to other country locations. These families have become internally displaced twice – first due to the war situation, and secondly, from the land grabbing as they returned home to a non-existent property.

Another scheme is grabbing by removing the families from the government registry. When the research team visited Penapitugama in Mutwal isle, they were told that family residents received documents for their lands under the Land Donation Scheme of 1979. Said documents were misplaced unfortunately when the families abandoned their homes and properties during the civil war and evacuated to safe areas. When they returned, nothing was left in their homes.

Upon settling back in Mutwal, they found out that strangely the land ownership in Mutwal isle has changed. Out of 715.14 hectares, 50% is now owned by three individuals -- one Mr. Neel de Silva claiming 310 hectares and the balance by a Mr. Iqubal Hassan and a Mr. M. Marikkar.

In people's tribunals, which are community-based justice mechanisms where experts on social development and gender, trade union leaders, religious leaders, and scholars serve as panel of jurors, one witness, Mrs. Saleema Kahn, reported the following:

"My mother-in-law gave land to my husband. My husband transferred the same land to my name. So the legal ownership is with me. We do not know who had come to grab our land. The land grabbers had approached the Electricity Board for electricity for the land. I requested the Electricity Board not to supply electricity as the land belonged to me. But the land grabbers proved their ownership with a surveyor's plan of the land and the approval letter from the District Secretary (DS), Kalpitiya, thus obtained the electricity supply. I was able to file a case based on the information I collected from the Electricity Board. The court has recognized the utilization of the land by Saleema and had ordered the company to pay compensation to the damages to Mrs. Saleema Kahn. However, they themselves do not have the deeds for the land."

Grabbing of beach seine has also become common. This scheme discovered by the isle inhabitants involves government procedures. Some 160 fisherfolk from Mutwal Isle are working as workers under the beach seine net (Maadela) fishing owners. There are 12 such beach seine net fishing owners in Mutwal Island who have established financial capacity.

Mutwal isle's beach seine net fishing contributes largely to the country's fish supply. The following are beach seine operating points in Mutwal Isle:

- | | |
|-------------------------------|-----------------|
| 1. Noonathottam[Penapitugama] | 7. Sembukkulam |
| 2. Iranaikkulam | 8. Pethanamulla |
| 3. Widaththalmunai | 9. Nawaladi |
| 4. Kovil Kuda | 10. Wellamanal |
| 5. Kakkeiyadi | 11. Mutwal |
| 6. Kattaiyadi | |

Each year beach seine owners must obtain fishing permits from both the DS office and Fisheries Department. The DS office issues land rights permit while the Fisheries Department issues the fishing rights permit. In 2011, the DS office issued land rights permits but the Fisheries Department refused to issue fishing rights permit. In 2012, the DS office had also refused to issue land rights permit. When the fishermen asked why, the DS office said that it was not allowed by the Fisheries Department.

Table 3 shows the owners of beach seines at Mutwal Isle.

There are seven beach seine net owners in Uchchimune Isle, one in Boatwadiya, two in Roodapaaduwa Isle, and one in Keerimundal Isle. **Table 4** shows the names of owners.

Table 3. The Names and the Present Operational Status of Beach Seines at Mutwal Island Community

Number	Name of the Owner	Number of Beach Seine	Name Included in the Gazette	Issue of Permits
1	J. M. T. Susantha Jayamanne	110	No	No
2	U. Ajith Prasanna Fernando	113	No	No
3	Anura Pushpakumara	114	No	No
4	P.A. Neel Susantha	112A	No	No
5	Kennedy Jayamanne	112	No	No
6	W. Joseph Gamini	109	Yes	Yes
7	M. Sylvester Fernando		Yes	Yes
8	Sunil Leitan Canecious	103	Yes	Yes
9	Vineefreda Fonseka	105	Yes	Yes
10	S.M. Ali Sabri	107	Yes	Yes
11	Paul Leitan	102	Yes	Yes
12	Edward Stanly	106	Yes	Yes
13	Basil Rodrigo [Present owner is Hassan Gate Company]	110	Yes	No

Table 4. The Owners and Legal Operational Status in Various Beach Seine Points in Kalpitiya Islands

Number	Name of the Owner	Number of Beach Seine	Permit	Beach Seine Point
1	M. H. Mohommed [Ohodu]		No	Sinnamunnakkare [Keerimundal]
2	Jude Sebastian Almeida		No	Keerimundal
3	S. Velayudam		Yes	Rodapaduwa
4	A. Rajendram		No	Boatwadiya
5	Leslie Leitan		No	Uchchimune
6	Vincent Paul Leitan		Yes	Uchchimune
7	Ranjith Leitan		No	Uchchimune
8	Michael Leitan		Yes	Uchchimune
9	Alexander Fernando		Yes	Uchchimune
10	Sylvester Fernando		Yes	Uchchimune
11	Preeman Dias		Yes	Uchchimune

The change in policy, for which the fisherfolks were not consulted, has made it difficult for them to continue fishing and may be construed as favoring tourism development.

Forces behind land grabbing in Kalpitiya Islands

On closer look, land grabs are actually enveloped in deeper deals involving various interested groups and employing multiple stages of preparing, negotiating, contracting and operationalizing the Kalpitiya Integrated Tourism Development Project.

While land grabbing has been described as a “new form of colonialism that has intensified in the last four years initially in response to the 2008 increase in food prices”, in Kalpitiya, land grabbing had its beginnings in 2002, even before the tsunami disaster, and proceeded at a faster pace from 2010 after the end of the war.

The government has identified tourism as a major driver for economic growth and job creation, and in a way, contributor to peace building and development. The Task Force for Rebuilding the Nation (Taren), which consisted of personalities from the business elite, was created after the tsunami in 2004. It prepared the plans for rebuilding highways, harbours, infrastructure, town building, water supply, education, health, and tourism as main areas of concern. Its main goal was to develop coastal tourism industry to include 15 proposed tourism development zones around the coast in the country. The declared tourism development zones are: Wadduwa, Beruwala and Bentota (Kalutara District), Hikkaduwa, Galle, Unawatuna, Koggala (Galle District), Matara (Matara



Private companies build signboards around the island

Building Community Resistance Against Land Grabbing

District), Tangalle, Hambantota, Yala (Hambantota District), Arugambay (Ampara District), Pasikudah, Nilaweli (Batticaloa District), and Kalpitiya (Puttlam District).

One force behind land grabbing is the army. Public notices are displayed by the Navy to say that the land has been acquired for defense purposes. The people naturally do not question and complain since they know that national security is of prime importance. When there is no objection from the fishermen, the second phase of land grabbing is the transfer of ownership to the resort or hotel owners whose identities are not known to the people and fisherfolk.

Then, notice boards are displayed to show the nature of the project and the names of government institutions that are involved in the land acquisition. These institutions include the Board of Investment, Sri Lanka Tourist Board, and Urban Development Authority. Meanwhile, the Ministry of Defense authorizes the land acquisition and hands the land over to private enterprises. The notice boards are then put out by the companies.

The first tourism project was launched by Kalpitiya Dutch Bay Tourist Resort in Mutwal islet in 2009. The takeover of lands in Kalpitiya had been legalized by the Land Acquisition Act No. 09 of 1950 and Tourism Development Act No. 14 of 1968. The lands were taken into possession through Gazette Notification No. 1506/18 on 1 August 2007, 1509/10 on 8 August 2007, and the Gazette Notification No. 1549/7 on 13 May 2008. Now the legal authority over those lands is vested in the Tourism Board.

As mentioned, people vacated their houses during the civil war. When the war was over and people were reclaiming their properties, the government was vesting lands in Kalpitiya Islands to business people. Now, business people from Colombo, Chilaw and Puttlam have produced documents to claim their ownership of the lands.

It is customary for Sri Lankans to transfer ownership from father to son without documents in many parts of the country. This 'customary law', passed on from generations to generations by word-of-mouth, is usually collective but also recognizes individual rights. Analysis of current practice of customary law has shown that it is consistent with the definition of governance – that it establishes who has decision-making power and accountability. A small number of countries recognize that local communities and indigenous people apply their customary laws within their territories and have rights originating from customary laws. But private businesses in collusion with the government have produced 'legal' documents to prove their ownership of the lands.

So-called legality of land acquisition in Kalpitiya islands

When the Sinhalese Kingdom was defeated in 1815, the British governor declared Ceylon as part of Great Britain and the English King became the king of Sri Lanka. For centuries it was customary in Ceylon that the land be owned by the king. People of the country utilized the lands in the name of the king, and

these lands were called Crown Lands, whereas the customary law was in effect. The British expelled the villagers from the land and sold it to British planters to open commercial cultivation.

After independence, many fishing families inhabited Kalpitiya islets for generation without documents and harnessed the areas for fishing activities. Psychological ownership, as pointed out in the previous section, accounted for the current context.

As time passed, private land hunters emerged to grab the lands and set up their businesses. The Tourism Board has declared the region of Kalpitiya islets 'A Tourism Promotion Zone'. Seventeen (17) tourist hotel projects have been approved.

On 13 May 2010, the 'Sustainable Tourism Project of Sri Lanka' was approved, with US\$18 million from the World Bank for the Sri Lankan tourism promotion program, out of which US\$8.1 million has been allocated to develop tourism in Kalpitiya and seven other tourism zones. Of the seven zones, Kalpitiya is the largest with 4,000 acres of its land targeted for the project.

It must be emphasized here that when financing agreements were signed for the project, the local authority agreed to minimize the adverse effects of land utilization on indigenous people while coordinating with them to settle any disputes arising out of new project. This was one of the mandatory conditions. But none of the mandatory conditions were followed.

Mr. A.M.A. Azeez of Mutwal Isle says, "Our lands were vested by Gazette notification by the Tourism Board even without informing us. The government has looted our lands and tried to put up tourism zones. The tourism plan is already uprooting large number of coconut trees. They have planned a 20-foot wide road right across my land. It was already gazetted. Here nothing is done in a civilized manner. Every action is a grabbing."

People's participation process in tourism development project?

No one has informed the islet fishing communities about the tourism project and the vesting of their lands for tourism purposes. The stakeholders of the Sustainable Tourism Project have been behaving adamantly and have assigned the Grama officer to inform the fisheries communities that they must vacate the islands. But the fisheries communities have continuously expressed their intent not to vacate the islets. They have not placed their trust and confidence in the promising offers of the government officers to allocate lands in Kalpitiya for the fisheries settlements. The fact that they were not promptly and properly informed was enough reason for the seeds of mistrust to be planted and developed, according to them. The fisheries communities are well aware that there are no more crown lands in Kalpitiya. They guess the land fisheries settlements may be allocated in Wilpattu national sanctuary, , the largest national sanctuary in the country, which the fisher people do not want.

Building Community Resistance Against Land Grabbing

The government of Sri Lanka has agreed with the World Bank to improve the efficiency levels of government authorities in the Sustainable Tourism Project. The amount of US\$8.4 million was allocated for the care of indigenous communities so that their social life will not be disturbed. Indigenous people participation and transparency of the project activities are some of the conditions included in the agreement.

If the agreement had been followed as is, the first attention would have been to settle the rising problems of indigenous community through the direct mediation by the Provincial Council, which is a local government with its own tourism ministry as well as minor administrative bodies such as the DS office and Pradesheeya Sabha. The Pradesheeya Sabha is the grassroots people's representation in the country whose members are elected by the people. Meanwhile, the tourism ministry has set up a sub-office called Kalpitiya tourism project office in the region.

But so far none of these mechanisms have taken any effort to look into the problems of the fisheries communities in isles. The government has been remiss on its responsibility as signatory to the agreement on development loans from the international financial institutions.

The real costs

According to the fisheries census carried out in 1993, there were 12,947 fishermen employed in Puttalam Lagoon. Their annual contribution to the national economy was Rs. 455,292,000 or US\$ 8,755,615. Yet this calculation is only based on the market value of fish. But the silent services and benefits such as self-employment, provision of cheap source of protein supply benefits for female and children, social security, etc., have not been taken into consideration.

On the whole, land grabbing strikes at the civil and political rights of Sri Lankans, including their right to development. So-called development projects as the tourism projects do not simply involve calculating the financial gains. Financial losses from social rights violations, cultural destruction, environmental destruction, and long-term political and economic disadvantages must be accounted for in an honest-to-goodness development paradigm. How the project benefits are achieved, how much of the gains are distributed and utilized, how much the lives and conditions of the poor and marginalized are improved, who are the final intended beneficiaries or rightful claimants to the development results, among others, should be measured. These must be made transparent to the people.

The fact-finding mission revealed that the Kalpitiya fishers and people were not informed nor consulted about the tourism projects. There has not been a proper dialogue with the communities prior to implementation. The fisheries communities were also not aware of the adverse effects of tourism.

Impact of land grabbing

On fishery production

Fishing in Kalpitiya has significant contribution to the national economy. Displacement of fisherfolk therefore spells decline in national and local incomes from fishing, which can not be offset by tourism.

Mutwal islet alone has around 4,000 kilos daily catch. Keerimundal, Sinnamunnakkarei and Uchchimunei small-scale fishermen produce a combined catch of 5,000 kilos of fish and other varieties of aquatic fauna. Sea cucumber and conch harvest are 300-400 pieces per day for the three islets. A large conch is sold at Rs. 1,200 and small ones are sold at Rs. 800 each. The fishermen limit the harvesting of small conches due to conservation and resource sustainability concerns. Catching of lobster is likewise banned in the months of February, September and October. Cuttlefish harvest and coconut cultivation provide additional sources of income for the Mutwal islet inhabitants. It must be noted that Mutwal islet is where three tourism features are being established already.

Kalpitiya dry fish is well-known sea food in the country. When people buy dry fish, the Kalpitiya dry fish gets leading attention in the market. From April to October, around 500-600 kilograms of dry fish is produced in Keerimundal up to Uchchimunei range. The total dry fish production in islets per year is around 250-400 metric tons. This is not only an income for the island communities but also strength to the national economy. Dry fish is also one of the main exports of Sri Lanka.

On farmers and fishermen's livelihood

The fishermen in Kalpitiya Isles are already facing problems due to boulder laying along the beach by hotel builders. In certain places in Mutwal Island, the beach seine fishing has come to a halt due to boulder laying. There are 50 to 60 fisheries workers employed in each beach seine fishing group. These fishing laborers have now become unemployed.

In certain places hotel owners have blocked existing anchoring points. The disturbances to theppam point –[primitive fishing vessels which consist of 3 rafts which are used by the most marginalized fisher families] -- in Mutwal, and Fiber Replaced Plastic small boat anchoring point at Anawasala are some of the examples. Now fishermen have to go to court and ask for legal action. Some action groups are helping the fishermen to file cases against the hotel builders.

One of the most affected groups is Mutwal Isle. People here have not been given freedom to do any fishing, whether via small boat, theppam or beach seine. Whether in sea, lagoon, beach or mangrove forests, people have been stripped off their rights to catch any fish as they wish. What is happening today is that they are being made to give up their traditional fishing grounds and leave these for tourism.

Building Community Resistance Against Land Grabbing

On resource access, utilization and management

Barbed wire fences erected along the coastal line by Hasan Gaate company's Bay Watch Eco Hotel have prevented the fishermen from entering the coastal belt. Mr. Anura Pushpakumara, who is affected by such actions, said that as a result of this restriction in accessing the beach seine point, about 30 families have likewise lost their daily income.

Mr. Kennedy Jayamanna, who is also beach seine owner, revealed that a hotel company is moving him out of his beach seine point. The company is even trying to buy off the beach seine point from him.

Mrs. Roshanthi Fernando, a member and a representative of Keerimundal Holy Cross fisheries cooperative society, said she and other mothers in the village used to fish in mangroves of the isle for small fish, shrimp and crab, which are their families' dietary supplements. Currently, the hotel companies have put up barbed wire fences and prohibited them from entering the mangroves.

Box. 1. Mr. Human Fernando, who is the president of Anawasala fishermen's cooperative society, mentioned that members of their cooperative are currently fishing at Illuppanthive isle, but are now under pressure from the hotel investors to give up fishing there. Furthermore, Mr. Fernando states:

"The Illuppanthive Island has been leased out already. Immediately after we learned that the land is being leased, we organized a meeting with the 'owners' of the island. At the meeting, the 'island owners' revealed their willingness to allow fishermen to continue fishing in the islands, although they said that they already own the land. There were 125 fishermen who operated in the island of Illuppanthive before, but the number has been reduced to only 40.

The people in Illuppanthive Island used to cut down their kerosene expenses because they were near the sea. But as the people are being removed from the island, they will have to bear higher fuel cost. This shall be a big loss for the communities and an added burden for them. Around 10-15% of them have abandoned the fishing industry as a result.

But the fisheries cooperative society is also not ready to give up the work and lose the land. Some of the fishermen expressed their frustration and revealed that they have not gone to the sea for more than 10 weeks. "We want to continue with people on their agitations to ensure their rights with the assistance of religious organizations, political parties, civil society organizations."

On the fisheries workers, villagers and women's employment

Other workers have much more to lose. These include the post-harvest workers, specially the women who engage in fish processing and other members of

the indigenous community who are involved in the fish industry value chain process. Since Kalpitiya is a fishing community, the inhabitants derive income and sustenance from fishing. The tourism business would offer employment opportunities, as has been promoted, but it would require a different set of knowledge and skills for employment. High-end tourism is what has been planned for Kalpitiya and finding a place for cultural or even 'creative industry' tourism is very remote. The villagers have been into fishing traditionally and would hence be inadequately competent to match the human resource requirements of the tourism business. The possibilities for their youth are non-existent as they are not trained and skilled for immediate hiring.

On food security

In Sinnamunnakkarei and Rodapaduwa, 99% of the inhabitants depend entirely on fishing. Only two families have a side income from a grocery shop. Few families have small vegetable plots for home consumption. Most of the households have at least five coconut-bearing trees. These fishermen sell their products as fresh fish and when the catch is ample, part of it is processed as dry fish. Almost every fisherman fishes in the lagoon for prawns and crabs.

There are 375 Sinhala and Tamil families in Uchchimune and Sinnamunnakkarei Isles. They are all Catholic. Every adult in the isle is fishing for a living. Families have been fishermen for generations. Of the 375, about 250 are boat owners. Men go fishing while the women help in fishing-related work.

According to them, "The ever-increasing fuel price is a big problem for us. Every day, in every fishing trip, we must earn at least Rs. 5,000 to cover our expenses. Some days we earn Rs. 10,000, but on some days we earn less than Rs. 5,000. If we buy fuel from Kalpitiya, the purchase trip will cost us Rs. 3,000. If we can sell our fish at a reasonable price we are happy."

Assessment of environmental impact

NAFSO conducted its own study on the impact of land grabbing on the environment as Kalpitiya is one of Sri Lanka's important environmental resources. With the introduction of large-scale tourism industry, serious damage has been done to the environment. The coral reef and natural sand dunes are in stages of being destroyed. The freshwater resource in the isles, the sea water and the lagoon water are already polluted by the hotel builders. Non-biodegradable garbage such as plastic bottles, packaging materials and other similar waste materials pollute the area and create breeding grounds for disease-carrying mosquitoes.

The leisure boat rides can cause soil erosion in the lagoon environment. Certain construction work taking place along the coastal belt is also harmful to the beauty of the beach and visibility is obscured. The privacy demands of hotel owners will prevent general public from accessing the beaches.

Building Community Resistance Against Land Grabbing

Sea erosion is heavy in Keerimundal Isle already. The settlers and the settlements in Keerimundal Isle have been washed away and some of the people had to vacate the island. The Karativu Isle, which is beyond the Battalamgunduwa Isle, is now totally submerged under the sea. Due to climate change, the unexpectedly high volume of rain being experienced in Sri Lanka has increased the water level in the lagoon causing parts of the isles to be submerged. The region is also experiencing gale storms from time to time. There had been recent occasions when many fishing boats, which were in landing points, had been washed off. In April 2012, 20 houses in Sinnamunnakkarei were heavily damaged by a cyclone. The sand dunes in Uchchimunei isle have been carried off to Dutch Bay and deposited there.

The Dutch Bay and Uchchimune Grama Officer areas in the Kalpitiya Isles are rich mangroves. Most of the isles are natural habitats for coastal shrubs, grass and creepers. Natural sand bounds also add beauty to the environment. But tourism construction companies are changing the natural environment into an industrial setup. The mangroves are being transformed into natural streams-water canals and sand bounds are made into grounds.

There is already an environmental impact assessment report made by Sun Hotels and Resorts Pvt Ltd and Let's Travel Pvt Ltd for Sun Resorts project at Wellai Island. Kalpitiya Dutch Bay Hotel Resort Project at Mutwal islands has also prepared an environmental impacts assessment report on tourism projects. The report has the following conclusions:

- (a) Fish breeding grounds and coastal grass can be destroyed with the progress of construction. When the project is complete, the destruction will continue. Leisure boat running will result in the erosion of land and depletion of fish resources. If the number of leisure crafts is increased, special permit must be issued.
- (b) A serious problem of tourism industry is that it has a large quantity of waste material; plastic materials such as bottles, metal cans, discarded clothes, shoes, etc., will continue to disrupt fishing. Disposal of waste water that could be mixed with harmful chemicals will destroy aquatic life in the ocean and in the lagoon. Soil erosion is going to be a big problem. Hotel builders are laying boulders along the coastal belt to save their hotel from sea erosion. When tourist hotels were built in the coastal belt of Negombo, hotel builders laid sand boulders along the beach, which resulted in heavy sea erosion on the southern part of the fisheries villages of the Negombo beach. Presently money is being pumped by the central government and local government to stop sea erosion.

Meanwhile, the Sri Lanka Nature Group has also done an environmental impact study which shows many aspects of the destruction from the tourism promotion activities. Removal of mangroves, changes in natural streams, setting up of water drain system, land filling, etc., will definitely bring destruction to

the aquatic environment in Kalpitiya. Lagoon environment, which is essential to breeding and sustainability of prawns, crabs and other crustaceans, will be disturbed, and as a result, the harvest will be reduced in the future.

Construction of large hotels, race course and golf courses and the use of large vessels along with tourism-related activities will alter the climate and environmental conditions in Kalpitiya. Kalpitiya is a place which comes in the semi-arid area of Sri Lanka and has its own natural set-up. If this is altered, climate and weather conditions will also change and have adverse effects on the ecosystem and the population.

The original business concept of the Kalpitiya tourism project was to attract tourists to the natural and exceptional environmental conditions prevailing there. But the project implementation has been handed over to private hotel builders who have no concern for the environment, the natural vegetation and geography, defeating its alleged original purpose.

Take for example the nature park concept being proposed. The concept is to attract tourists to enjoy water, sandbars, coral reef sanctuary, sea mammals such as dolphins and whales, other aquatic life, natural vegetation, etc. The nature park concept is to preserve nature for everybody, including animals. However, instead of a nature park, developers have introduced the city hotel concept, which includes massive concrete structures, heavily urbanized features, artificial landscaping, and all that metropolitan life. These developments inversely disrupt and destroy nature. The use of high-power boat engines in large numbers and high frequency will disturb the fish breeding grounds. Even fishermen will not be able to lay nets as a result.

Fishing operations co-exist with nature. But concentration of a large number of tourist hotels and allied industries along the coastal belt will cause discharge of large volume of chemicals to the sea and lagoon. The continuous discharge of chemicals will poison the water for animals and fish sanctuaries will be destroyed.

Thoradiya – Mutwal road, which was constructed to provide access to the tourism project area, has generated flood problems in Thilladiya, Setawadiya Mosalwatta and Thoradiya villages. The road builders have filled the lagoon bypass to build the road and only at the deepest point have they built a bridge. This has prevented the rainwater from quickly running down to the lagoon. As a result, the new road stands like a bund across the lagoon, making it difficult for small-scale fishermen to move their crafts for fishing. They have to sail via the deep point, hence, a dangerous voyage for a small craft. The small craft fishermen of Kudawa, Setawadiya, Thilladiya and Nawalldy villages are affected by this problem. There are about 380 fishermen in these villages who are affected.

Kalpitiya air is already polluted with poisonous gas emissions from Norochcholai Coal Power Plant. Will there be a tourism attraction to such polluted area? Once

Building Community Resistance Against Land Grabbing

tourists come to know about these things, they will stop going there. What will happen to the large amount of money pumped in to the project? These are some of the balancing questions that the communities ask.

With the construction of large number of hotels and infrastructure facilities such as golf course, race course, cricket grounds, landscaping, and the hotel consumption including for washing and cleaning and swimming pools, a large volume of water is needed daily. Within this semi-arid dry zone area, potable water is scarce. Hence, to meet the water requirement of the hotel project, water will have to be drawn from Kala Oya. If such a large volume of water is drawn from Kala Oya, the vegetation and animal habitations around will be badly affected with water shortage.

The forest department had been conserving the mangrove environment with the support of fishermen and other interested parties. Fishermen were educated and convinced on the value of mangroves to the environment and the sustainability of fish resources. But the tourism industry has now taken over the environment and allowed the destruction of the mangroves for tourism purposes.

With the implementation of this large-scale tourism project, the land around Puttlam lagoon has been cleared for various constructions connected to tourism project and mangroves are being cleared. Without mangroves, the breeding of crustaceans such as prawns and crabs will be largely reduced. This situation is not only an environmental problem but also poses threat to food security.

The fisheries communities have suffered in the hands of tourism. Traumatic experiences include material losses, uprooting, deprivation, uncertainty over the future, and disruption of community and social support networks. These affect people's behavior and lead to psychosocial malfunctioning. From a human development perspective, what would be the future of the Kalpitiya people if this happens? Shall we allow another 'tsunami' or another 'war' to happen?

What can the Kalpitiya people do as rightful claimholders and intended beneficiaries of the country's development programs and goals? If they are not around anymore to benefit from human development, what can be said then of the government that has left them to the dogs? Who is to be held accountable?

Actions and recommendations

"The way they do things is illegal. They never communicated with the fisheries community over this matter. We became aware of the present situation through media."

"We cannot leave our village. If someone threatens to remove us from this village we are prepared to fight back."

- Mariya Jasintha – Uchchimune isle



Affected communities organize public meetings and protest actions

The fisheries community in Uchchimunei Isle firmly said that their islet is essential for them to carry on with their livelihood. In addition they want fisheries authorities to provide them and their facilities for fishing with necessary protection. Their living conditions need to be seen from their own perspective in the spirit of true consultation and people's participation, and must be improved based on their expressed needs and not on the interests of tourism investors.

The government organizations working on the tourism project so far have not met with most of the islanders to discuss the matters related to the tourism project. Therefore, the islanders are not aware of any step taken by the authorities concerned. The Samurdhi Bank, however, has been working closely with the fisheries community and has donated few houses to fisheries families.

Non-government initiatives are being continued in support of the Kalpitiya people in their struggles. The islanders said the Non Governmental Organizations – Social & Economic Development Center- Caritas Sri Lanka has been working to obtain legal land rights for fisheries people. The priests of the Catholic church at Kalpitiya and the diocese have been working at different levels to represent the people in 14 islands. They said that although their meditation so far has been in vain, they will continue to agitate jointly with people.

In 2007, the Holy Cross Fisheries Society at Uchchimunei took some steps to get the land deeds for the island communities. They submitted a petition with the signatures of islanders demanding to get the legal land rights for the island dwellers.

Also, in August 2012, the Uchchimunei island community people discussed with the DS, Kalpitiya to take necessary steps to register them in the same island and settle them there. On 16th March 2013, Mr. Susantha PUNCHINILAME, the Deputy Economic Development Minister, had met the fisher representatives of island communities. The aim of the meeting was to identify the issues faced

Building Community Resistance Against Land Grabbing

by the communities due to the Kalpitiya tourism project and to introduce the development program. Also, the Deputy Minister had sought assistance from the Kalpitiya Parish Priest Rev. Fr. Michael Canecious Fernando to educate the people and gather alternative proposals to remedy the issues faced by the fisher communities. At present, the Kalpitiya parish priest is taking some steps to educate island communities on the Kalpitiya tourism promotion zone.

“We jointly work with our parish priest. We have to stay here if we want to continue with our livelihood. None of the government officers come here to find out about our problems. We only receive a voting card during the election period.”

“One year back, some officers came to survey the land. We asked why. Their reply was that they want to supply electricity and protect the land from sea erosion by putting rock. The Navy does not allow us to use Surukku Net (ring nets); other than that there were no specific problems from them”.

- *Niroshan Sanjewa- Sinnamunnakkarei*

Meanwhile, the fisheries community in Mutwal Isle does not have a fisheries committee. It has become a handicap for them to represent their rights. They also do not have a fisheries co-operative union for outboard motor operators or a theppam fishermen’s union.

However, Mr. Bernard Costa, an experienced fisherman, explained how the theppam fishermen, around 30 of them, lost their livelihood due to loss of the anchorage point.

The Holy Cross Fisheries Co-operative Union of Uchchimunei has members including from Keerimundal, Rodapaduwa and Dutch Bay. Mr. Sebastian Dias, the president of the Holy Cross fisheries co-operative union has actively participated in the dialogue over land issue. There are also women union, children union, and youth associates in Uchchimunei and Sinnamunnakkarei Isles. Ms. Roshanthi Fernando is active among women folk in the Holy Cross fisheries coop and one of the key informants at Keerimundal, Sinnamunnakkarei communities.

The SEDEC has assisted to form and amalgamate fisheries union by covering one Keerimundal, one Sinnamunnakkarei, three Uchchimunei, and one Boatwadiya unions into one. These fisheries unions are not registered and government officers do not accept their representation.

In terms of people’s actions, the islanders have not demonstrated yet their disagreements over the tourism project in a collective manner, but have been organizing to open up the debate with the Divisional Secretary and Sri Lanka Tourist Board.

The island people approached the minister of fisheries, Dr. Rajitha Senaratne, in February 2011 when he visited Sinnagunduwā fishing community, one of

the islands in Kalpitiya. The people requested his assistance to overcome the difficulties they were facing due to the tourism industry. However, the minister told the people not to disturb tourism development as the fishing communities at Unawatuna, Hikaduwa and Negombo have become millionaires because of tourism development. He told the people not to be misled and instigated with allegations against tourism by individuals and organizations.

In March 2011, the people had invited Right Reverend Bishop Valence Dewsritha Mendis, the Bishop of Chilaw, diocese of the Mutwal island, to present the difficulties they faced due to tourism industry. The Bishop assured them that he would not allow anyone to chase away the people from their lands. He had advised the people to also seek possible avenues to have co-existence of fisheries with tourism in the same land.

Taking stock from experience in 2008 when peoples' organizations presented a vesting attempt in Mutwal – Penapitugama and the authorities had to abandon the lands survey project, the people are organizing better.

The people's alertness is manifesting in their united participation in NAFSO-conducted activities:

- Demonstration on 6 September 2011 in Colombo, supported by "Peoples' Aspiration" and "Peoples' Alliance for Right to Lands"
- People's tribunal on 30 January 2012, organized by the Praja Abhilashi network
- People's demonstrations on 15 October 2012 held in Colombo demanding to protect their rights for lands
- Public demonstration at Kalpitiya on 21 November 2012 and meeting held in Kandakuliya where seriousness of peoples' intentions was observed. In the demonstration, island communities were engaged to sign post cards and to post them to the President demanding to reconsider the decision to lease out Kalpitiya islands for tourism projects.
- Island communities and civil society organizations' submission of a petition to Kalpitiya divisional secretary demanding a stop to land grabbing and other adverse social impacts due to tourism projects
- Journalists attended media briefing and arranged a visit to the islands

Peoples' organizations attempted to launch a protest action on 28 November 2012 against land grabbing but were prevented on the request of the parish priest of Kalpitiya. The Transparency International Sri Lanka (TISL) organized a legal clinic to assist Puttlam district people to take legal action against land grabbing. This was held in March 2013, which was attended by two island community members together with J. Pathmanathan and Dinesh Suranjan of

Building Community Resistance Against Land Grabbing

the research team. As a follow-up action, the TISL organized a field work at Uchchimunei Island which was disturbed by some groups at the point.

In 2013, as a result of the understanding of the seriousness of the land grabbing at Kalpitiya Sslands, the Kalpitiya parish priest took it upon himself to educate the communities. They were informed of the tourism plans for Kalpitiya followed by discussions on finding alternatives to the existing issues among the island communities.

Although there was a plan to launch a campaign against land grabbing with the leadership of Bishop of Chilaw, there was no such plan to spread the campaign with the participation of wider society. This was confirmed by the research team who met the parish priest as a part of the research work and to find ways and means to launch a collaborative action.

Sr. Deepa Fernando, Melani Manel Perera and Asangika Mihirani had discussed with the parish priest and learned with deep sadness that there was very limited space for any collaborative action.

At the same time, in a number of discussions held between the parish priest and research team members of J. Pathmanathan and Dinesh Suranjan they learned of the parish priest's reservation with other civil society engagements against the land grabbing issues in the island communities.

It is up to the communities now to decide their strategies and how to move forward as an organized group.

"The situation that people are facing today is the loss of their day-to-day life and their livelihoods. As they do not have a stable place to live, their self- dignity is also broken down. As the fisher people lose their livelihoods, people will have to vacate their places of living. However, several promises will be given until the project is implemented. People have only very limited knowledge on their lands. No legal deeds are prepared, so people need to prepare legal documents to ensure their land rights. People should have the freedom to die in the lands with all the infrastructure facilities and win the land rights."

- Ms. Roshanthi Fernando, Women's Wing,
Holy Cross Fisheries Cooperative Society, Uchchimunei

"We must be united as one group against the injustice taking place. When the fuel cost was recently increased, we all jointly demonstrated our discontent. If we are subjected to suppression, we must be united and go forward for actions."

- Anthony Shelton - Uchchimune

"We are not prepared to leave our village for any reason. Where can we go? Fishing cannot be done by being settled in interior lands. We are not prepared to accept their so-called offer."

“The only trade we know is fishing and we need our settlements to continue with our livelihood. Some people might be influenced with money or materials offered by investors. But we are not prepared to accept alternative places. If authorities try to remove us by force from Uchchimune, we will take action to stop them at Keerimundal, long before they come to Uchchimune. We cannot forgo our future and the future of our children by being tempted by their offers.”

- Mrs. Evegín Fernando - Uchchimune

“Why should we leave our village? However much they threaten us we are prepared to save our isle for our children. We need your support and guidance in case they try to suppress us.”

- Mr. Emíliás Días, Sahayamary, Pholin Fernando – Uchchimunei

“NAFSO has come forward and studied in depth the nature of this problem. They have made us realize the seriousness of the situation. I think we must join NAFSO, and launch our protests and save our settlements and livelihoods.”

- Nilmini Fernando- Rodapaduwa

Few people are hopeful about the tourism industry, but majority are experiencing the oppressive way it is being implemented. They now realize the need and importance of organization to overcome such oppression. The island population have been isolated and concentrated only on their livelihood. But now they are realizing that they cannot ignore the threats posed on their lives. Nevertheless, they are still hesitant to participate in public demonstrations for fear that they will be subjected to government suppression.

They believe that they have taken steps in their capacity to stop suppression even at a risk to their lives. They have taken joint action with Kalpitiya parish priest. They have had many rounds of discussions with Kalpitiya DS, Kalpitiya and Puttlam Government Agent (GA). They have submitted a petition to GA signed by 300 inhabitants requesting legal rights to their lands.

“We have signed petitions, yet there are no further action plans. Our village folk are setting up a fisheries women’s union. We hope SEDEC will come forward to help us.”

- Asanka Croos - Fisher craft technician - Sinnamunnakkarei

The lessons gained by the people out of their actions prompt them to have the following suggestions as future plans:

- There must be a continuous process to inform government institutions in writing about this matter.
- An organization or group is needed to visit Uchchimunei, Rodapaduwa, Keerimundal, Sinnamunnakkarei, Boatwadi, Illuppanthive and Mutwal Isles and make people aware of the latest situation.

Building Community Resistance Against Land Grabbing

- Collect 10-person groups and talk to them to mobilize for collective actions.
- Participate in the people's union meeting at Keerimundal, Uchchimune, Sinnamunnakkarei and Mutwal and make them aware of the latest developments in respect to rights of islanders.
- Seek assistance from knowledgeable people to strengthen the people's organizations.
- People of mainland Kalpitiya should also be made aware of the plight of island settlers.
- Authorities do not consider that there is a violation of people's social, economic, cultural and environmental rights and deny the people's claims against their rights violations. Authorities concerned have been building an argument based on not having voting rights, as a point for rejecting land rights. Hence, people's organizations need to take urgent actions.
- Uchchimunei people have decided to meet every Thursday and pray together as an action point against land grabbing.

"If the tourism industry continues as it happens today, it will be a cause to break down the income and economy of the people in the area and will cause the people to become poorer. Although the tourism industry supposedly means development, there is no development at all. The younger generation tends to get corrupted. Tourism will cause social abuses in the area. We need to discuss these issues with the government to protect and fight for our rights."

- Moulavi Janab Ibadulla, Chief of Kalpitiya Mosque

Conclusions

Fishing as a way of life is what the people of Kalpitiya Islands have been doing. Fishing is not only a provider of employment and economic benefits, but a family and community bonding experience. It is also considered a proof of freedom, opportunity and grace to use their talents and skills and develop their potentials, according to them. Their sense of ownership and control stems from these perspectives. Fishing has evolved into a human right for them. But the government has neglected its duty to protect their human rights in favour of its tourism development strategy and plan.

So-called rational-thinking leaders would argue the 'soft' contentions of the Kalpitiya people, probably pointing out that economic development through tourism development is the driver of Kalpitiya and the county's total human development. They would even add that Kalpitiya is just a small 'sacrifice' for a bigger and greater catch. If this is their arguing point, what then is the reason for existence of the Declarations on Human Rights and other human life-protection instruments? If every 'small' sacrifice was made, how much would these 'small sacrifices' add up to? Where does the line between accountability and development end?

This study has documented clear violations of the Kalpitiya people's human rights – socio-cultural, economic, civil, political, and even environmental. The congruence between human rights and development is very significant in the case of Kalpitiya. "Economic growth is a means, not the goal, of development. It can also be instrumental for the realization of human rights. However, economic growth must be achieved in a manner consistent with human rights principles." The people of Kalpitiya have increased their awareness and are starting to build 'rights citizenship'. The land and water resources are precious to the Kalpitiya people and they are deriving sustenance from them – a clear balancing act which shows their intent to be responsible fishers and consumers. The tourism development plan, on the other hand, lacks the participatory and transparency processes prior to its approval and operation. Almost all the sites have already been environmentally abused. These are clear indicators of the irresponsibility of the government and law enforcement agencies and abuses and negligence of investors and funding institutions.

What roles can all stakeholders – from the individual, to the family and community, from the national to international level – take up to demand for accountability, transparency, genuinely inclusive growth, and dignified and humane life? First of all, of course, people should be aware that they have inherent rights and the only way to realize basic human rights is to assert them. Below are some of the assertions that must be made against land grabbing, which the communities have taken up in the course of their struggle:

- Stop the ongoing so-called development activities at the Kalpitiya tourism zone immediately and assess the damage caused by the investors and hotel developers.
- Appoint a commission, which can focus the attention on socio, economic, cultural and environmental issues in the Kalpitiya tourism zone and address them.
- Begin a national debate on the issues faced by the people of Kalpitiya and on other development programs with the media, scholars, human rights groups, trade union movements, and political parties in order to find amicable solution and achieve principles of sustainable development.
- Launch an organizational and educational campaign so people will learn the adverse effects of so-called development projects, and resist them in order to follow holistic development principles.
- CSOs should begin a strong national campaign on ongoing national development programs to stick to sustainable development principles.

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Building Community Resistance Against Land Grabbing

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ANNEXES

Annex 1: List of Catholic Priests that served at Keerimundal Catholic church

1.	1703	Rev. Joseph Meneses
2.	1706	Rev. Francis Jesu
3.	1710-12	Rev. Manuel Mirando,
4.	1714	Rev. Francisku de Jesu
5.	1715	Rev. Joseph Vaz [Junior]
6.	1719	Rev. Joseph Meneses
7.	1722	Rev. Bashilio Bareco
8.	1723	Rev. Juwan de Sa
9.	1728-31	Rev. Ignatio de Meskita
10.	1744-5	Rev. Kusthidios Andradi
11.	1749	Rev. Alexander Manual
12.	1750	Rev. Kusthidios Andradi
13.	1757	Rev. Lobadu Alberkerk
14.	1757	Rev. Juwan de Siriwera
15.	1766	Rev. Rafael Don Anjos
16.	1768	Rev. Rodrigo Duwarthe
17.	1779	Rev. Gabriel Pawweko
18.	1783	Rev. Francisco Pasquel
19.	1786	Rev. Juwan Mandonsa
20.	1817-18	Rev. Francisku Xavier
21.	1819-23	Rev. Konstansio Gomez
22.	1824	Rev. Ignatio Pinto
23.	1825	Rev. Konstasio Gomez
24.	1826	Rev. Salvador Piyadado
25.	1827	Rev. Peduru Alex Sandrino
26.	1828-31	Rev. Konstansio Gomez
27.	1832	Rev. Antonio Men Donzo
28.	1833	Rev. Kaitano Diyez
29.	1834	Rev. Kaitano Do Rozario
30.	1835	Rev. Jose Perera
31.	1836	Rev. Flariano Maskarengnges
32.	1837	Rev. Peduru Kaitano
33.	1838	Rev. Juwakeem Albreto
34.	1839	Rev. Mathayo Kaitano
35.	1840-3	Rev. Peduru de Norongngo
36.	1844	Rev. Francisku de Diaz
37.	1845	Rev. Peduru de Norongngo
38.	1846	Rev. Peduru Philippe
39.	1847	Rev. Nicholes Kasmeru

Source: Souvenir of Centenary of Keerimundal Church

**Annex 2: Present tourism development projects
Existing Resorts and Resorts Proposed or Under Development in
Kalpitiya: An Inventory**

Resorts already operational

No.	Resort	Location	Size	Details	Capacity
1.	Dancing Dolphins			2 Cabanas and 1 open pavilion	
2.	Taniya Nature Resort	Kurindipitiya		14 Rooms	
3.	Lagoon Lodge	On sand spit connecting the mainland to Dutch Bay Island	4 acres	Cottage with 3 bedrooms	
4.	Sethawadiya Dolphin View Eco Lodge		5 acres	4 Large cabanas	
5.	Turtle Point Lodge And Diving Camp	Kandakuliya	2 acres	3 Bedroom cottages	
6.	Divyaa Lagoon	Kandakuliya/ (Kalpitiya Lagoon)		21 Units (Villas and Suites)	Divyaa resort Grant Communications (PVT) LTD No :32/1, Caste Street Colombo -08
7.	(Makara) Dolphin Beach Resort	Elanthadiya		Tents-1 and 2 roomed	
8.	Ruwala Resort	Thihaliya	9 acres	2 Chalets and 2 Cabanas	
9.	Palagama Beach Resort	Alankuda		10 Cabanas and 2 Villas	
10.	Khomba House	Alankuda	6 acres	House with 2 bedrooms	10 people
11.	Udekki	Alankuda		2 Private villas and 1 5-bedroom villa	
12.	Bar Reef Resort (ex Alankuda Beach)	Alankuda		7 Large Cabanas and 2 bedroom villas	
13.	Dinuda Resort	Pudukuduruedippu, Sethawadi		4 rooms	
14.	Diyamba Beach Resort	Kanthankkuliya Road			
15.	Bay Watch			10 Tents	40 pax
16.	Lagoon House	Dutch Bay	1 acre	2 Bedroom house	

Building Community Resistance Against Land Grabbing

Resorts proposed or being developed

Resort	Location	Size	Details	Additional Information
West Paradise	Dutch Bay	115 acres	200 Chalet sand villas	
Ananya Kalpitiya Retreat		28 acres	30 Chalet, Boutique Hotel	Ananya Kalpitiya Retreat (Pvt.) Ltd., 22 1/1, Bagatale Road, Colombo 3.
Bay watch Eco Resort			38-room Chalets and Villa	
Dutch Bay resorts	Mutwal		80 Chalets 130 villas Eco-Tourism accommodation units	Promoted by Swarna Dweep, Bahrain based investment fund. (www.swarnadweep.com) Suite 1904, Al Moayyed Tower, Kingdom of Baharain
Elements			27 Bungalows, Eco style	Water sport project, Elements 57/8, Sir Ernest De Silva Mawatha, Colombo 07, Sri Lanka.
Palm Lanka Holdings(Pvt) Ltd			50 Rooms, 6 Star hotel	Promoter is a subsidiary of Consolidated Marine Engineers Ltd. (www.cmesl.com) 1001, Kew Road, Colombo 02, Sri Lanka.
M S A Sham Sudeen Development & Reality (Pvt.) Ltd			14 Chalets (boutique hotel)	M S A Sham Sudeen Development & Reality (Pvt.) Ltd, 9 College Avenue, Mount Lavinia
M. Mandeep Singh (London)	RS 230 Million		20 Rooms Hotel Project	See http://company-director-check.co.uk/director/908145018 for more info on promoter. No 7, Charles Hared Court 2, Somerville Avenue London
Alpha Tours (Private) Limited	RS: 750 Million		52-room resort (Nadum odai)	Alpha Tours (Private) Limited, No :49/16, Island Building, Galle Road, Colombo -03
Kuwaiti European Holding	11USD Million		100-room 5 star resort	Kuwaiti European Holding Company (http://keh-kw.com/). Sri Lanka project: Tranquillo. Co. PO Box:3237 Safat, 13024 Kuwait.
Thomas Roses, Germany	0.5 USD million		6-room hotel	Mr. Thomas Roses IM Bushweg 3 27239, Twistingwen Germany
Sun Resort Investment Lanka Private	Vellai I, II, III 3.7 million SLR		150 Water bungalows (1.2 billion SLR)	Maldives, SL and Switzerland JV Office op 1 Hotel Galadari 64, Lotus Road, Colombo 01.

**Documentation of Cases in Selected Communities in Asia
Indonesia, Sri Lanka, Pakistan, Malaysia and the Philippines**

Qube Lanka Leisure Properties Private Ltd.	Illuppantivu (16.82 million SLR)	200 beach villas Environmentally Friendly Tourism Project	Qube Corporation, India. (http://qubecorp.com) No: 327 Union Place Colombo 02
Heritage Reserves (Pvt.) Limited,		10 room resort Eco-Tourism accommodation units	A franchise of a non-profit company/NGO: Living Heritage Trust (http://livingheritage.org). [1, Horton Place, Colombo 07]
Havicus Villas	Kalpitiya Lagoon	26 Luxury Villas	A part of the Belgian real-estate Havicus group.
Greenfield Development Pvt. Ltd.	Rs.4.2 billion	120 rooms, 150 cabanas and 60 villas with a mini-golf course. An eco-friendly seven star luxury resort in Kalpitiya	
Divyaa resort Grant Communications (PVT) LTD	(RS 90 Million)	ECE Cabana Resort 6 ECC Cabana	No :32/1, Caste Street Colombo -08
West Agro Property Developers(Pvt.) Ltd		Eco-friendly 8 Chalets	No.10,1/1, 8th Lane, Colombo 03 Sri Lanka

Annex 3: The proposed acquisition of lands by Ceylon Tourist Board, under the Gazette notification of Number 1509/10 of 08 August 2007.

The list of land owners' names, amount of land appropriated, village where land is situated

Number	Name of Land Owner	Amount of Land to be Acquired	Village/ Venue of the Land
1.	Land Reform Commission	2.523 ha [6 acres 375 perches]	Anawasala
2.	Not known	0.936 ha [2 acres 1 rood 10.07 perches]	Dutch Bay
3.	Senul Abdeen, Hospital Road, Kalpitiya	0.508 [1 acre 1 rood 0.85 perches]	Thilladiya
4.	do	0.452 ha [1 acre 18.71 perches]	Thilladiya
5.	Parish Priest, St.Mary's Church, Kalpitiya	0.155 ha [1 rood 21.28 perches]	Thilladiya
6.	do	0.255 ha [2 rood 20.82 perches]	Vayal Thottam
7.	U.L.M. Hurulla, Sinnakudirippuwa, Kalpitiya	0.074 ha [perches 29.25]	Thilladiya
8.	do	0.164 ha [1 rood 24.84 perches]	Thilladiya
9.	S. Nawfil, Sinnakudirippuwa, Kalpitiya	0.065 ha [perches 25.69]	Thilladiya
10.	do	0.148 ha [1 rood 18.51 perches]	Thilladiya
11.	H.M. Navas, Periya Kudirippu, Kalpitiya	0.25 ha [2 rood 19.24 perches]	Thilladiya
12.	do	0.243 ha [2 rood 16.07 perches]	Thilladiya
13.	S. Rauf, Periya Kudiripuwa, Kalpitiya	0.284 ha [2 rood 32.28 perches]	Thilladiya
14.	do	0.0203 ha [2 rood 00.26 perches]	Thilladiya
15.	Aseez, Periya Kudirippuwa, Kalpitiya	0.287 ha [2 rood 33.47 perches]	Thilladiya
16.	do	0.327 ha [3 rood 09.28 perches]	Thilladiya
17.	H.M.Aisha Umma, J.Jemila Umma, Periya Kudirippu, Kalpitiya	0.942 ha [2 acre 1 rood 12.44 perches]	Thilladiya
18.	do	0.981 ha [2 acre 1 rood 27.86 perches]	Thilladiya
19.	Sarojini Pushpam, Periya Kudirippu, Kalpitiya	0.443 ha [1 acre 15.15 perches]	Thilladiya
20.	do	0.625 ha [1 acre 2 rood 07.11 perches]	Thilladiya

**Documentation of Cases in Selected Communities in Asia
Indonesia, Sri Lanka, Pakistan, Malaysia and the Philippines**

21.	Not known	3.304 ha [8 acre 26.32 perches]	Thilladiya
22.	H.G.N.Samarasinghe, Periya Kudirippu, Kalpitiya.	0.304 ha [3 rood 00.19 perches]	Thilladiya
23.	Shaul Hameed, Sinna Kudirippuwa, Kalpitiya	0.736 ha [1 acre 3 rood 10.99 perches]	Thilladiya
24.	Not known	0.633 ha [1 acre 2 rood 10.27 perches]	Thilladiya
25.	Not known	3.208 ha [7 acre 3 rood 28.37 perches]	Thilladiya
26.	Asarak Ali, Sinna Kudirippuwa, Kalpitiya.	1.022 ha [2 acre 2 rood 04.07 perches]	Thilladiya
27.	S.M.Ibus, Sinna Kudirippuwa, Kalpitiya.	0.943 ha [2 acre 1 rood 12.84 perches]	Thilladiya
28.	Not known	1.930 ha [4 acre 3 rood 03.07 perches]	Thilladiya
29.	S.Nawas, Sinna Kudirippuwa, Kalpitiya.	0.078 ha [30.84 perches]	Thilladiya
30.	S.Anees, Sinna Kudirippuwa, Kalpitiya	0.047 ha [perches 18.58]	Thilladiya
31.	R.M.Fazeel, Sinna Kudirippuwa, Kalpitiya	0.009 ha [0.3.56 perches]	Thilladiya
32.	A.Marikkar, Sinna Kudirippuwa, Kalpitiya	0.122 ha [1 rood 0.823 perches]	Thilladiya
33.	Not known	0.074 ha [29.26 perches]	Dutch bay
34.	S. Mahroof, Sinna Kudirippuwa, Kalpitiya	0.182 ha [1 rood 3.95 perches]	Dutch bay
35.	S.Marikkar, Sinn Kudirippuwa, Kalpitiya	0.199 ha [1 rood 38.68 perches]	Dutch bay
36.	S. Fareeth, Sinna Kudirippuwa, Kalpitiya	0.199 ha [1 rood 38.68 perches]	Dutch bay
37.	Hassan, Sinna Kudirippuwa, Kalpitiya	0.087 ha [34.39 perches]	Dutch bay
38.	Not known	33.93 ha [83 acre 3 rood 14.86 perches]	Kandakuliya

Pakistan

Of collusions and collaborations: Sindh case study

By Roots for Equity

Background

In the past few years the issue of global land grabbing has received much attention due to the vast scale of the phenomenon. In general, the agrochemical model of agricultural production has been viciously exploitative, leaving millions in abject poverty, hunger and without human dignity. At the same time the chemical-based system has also been very extremely harmful to the ecology, disrupting all natural cycles, destroying biodiversity, endangering many species and eradicating countless others, responsible for proliferating monoculture which allows only profit intensification of the rich transnational corporations, all having their base in the imperialist capitalist countries.

With the corporate agricultural production system spreading its tentacles in nearly every sector, the latest spate has been the leasing of agricultural land in many parts of the world for various reasons. These reasons include food production as a way to ensure food security for populations in the country of the encroaching parties, and food and agricultural production as an investment and a profit venture. Such land grabbing is being carried out by both the corporate sector as well as states. Mostly, states are involved to ensure national food security for their populations. Given that the state of cooperation rarely exists, the relationship between land providers and leasers is imperialist in nature.

Pakistan has also been facing a massive level of land grabbing. Numerous media reports on land grabbing in Pakistan is a regular feature in the country. For instance, it has been reported that a big conglomerate the Charoen Pokphand (CP) group from Thailand, considered one of the largest food groups in Asia, has recently signed a memorandum of understanding with the Punjab Board of Investment and Trade, Government of Punjab to invest in agro-industry and food business.¹ The CP group has been showing an interest in land surveys

Building Community Resistance Against Land Grabbing

as well to set up businesses such as feed mills, breeder and boiler farms, and hatcheries.

Similarly, the United Arab Emirates has also been showing a keen interest in agriculture investments and land deals in the country. In 2011, UAE (which imports nearly 85% of its food) had purchased nearly 324,000 hectares of land in Punjab, Sindh and Balochistan.

Such wide range international agro-industry investments in Pakistan are often reported. However, very little is known or researched about such reports, nor are there academic research studies or people-based campaigns or action researches which give the true impact of such investments on food production or communities where land grab is happening.

In order to overcome these short-comings, Roots for Equity collaborated with Pesticide Action Network in a coordinated research on land grabbing in various parts of Asia.

The research study has been planned based on the following guidelines:

Overall objective:

To understand the phenomenon of land grabbing carried out by a transnational corporation Al Dahra, UAE Pakistan and its resultant socio-economic impacts on communities where land grabbing occurred.

Specific Objectives:

Based on the overall objective, specific objectives of the research study are:

1. To describe the current level of ownership and control of the selected communities over the land and natural resources
2. To describe the circumstances and manner that the land is being grabbed
3. To identify the impacts of land grabbing on the selected communities
4. To elaborate the ongoing resistance and organization of the communities against the land grabbing, if any.

Methodology:

The methodology adopted by Roots for Equity for carrying out the research in hand was based on using qualitative methods which included the following:

1. Desk Research
2. Focus Group Discussion (FGD)
3. Key Informant Interviews (KII)
4. Participant Observation

Desk research was carried out to find out information about the key players in the research study and to highlight any media coverage on the related land grab site or relevant actors. In addition, the desk research also helped in providing a background to the study which ranged from current information on land grab to previous patterns of land ownership and class divisions and positions of power in the context of land ownership patterns.

Apart from the desk research, FGDs as well as KII interviews were carried out with communities and community members in the area where land grab by Al Dahra had occurred.

After an initial reconnaissance visit, a check list of potential questions was developed which guided the FGDs as well as KII interviews.

Four KIIs were held in the villages, of which two were with women. In total, five FGDs were held in the villages where land grabbing has occurred. Of these, two were with women. FGDs and KIIs were held with Muslims and Hindus (Meghwar and Kohli castes).

Land Grab in Pakistan: Pre-existing Land Ownership Structures

In the Indian subcontinent Mughal, emperors introduced state ownership of the land based on collective responsibility. A village only had to pay some royalty (one sixth or half of the produce) to the state. Later in the colonial period this hereditary system was replaced by *zamindari* (land lord) system of collecting revenue from the peasantry. A *zamindar* acted as an official representative of the British *Raj* for the collection of revenue.²

The British in fact created two different revenue collection systems or land tax i.e., *Ryotwari* and the Permanent Settlement. According to *Ryotwari* system peasants were given the right of land inheritance and transfer to others; while Permanent Settlement system, introduced in 1793, favored *zamindars* describing peasants as tenant at will (also known as *hari* and having few, if any, legal rights, including occupancy rights) of the land lords.³

Besides feudal lords land was also distributed amongst military men. This trend, which could be traced back to the Mughal period, was also promoted during the British *Raj*. Since the 1880s land up to 550 acres could be allotted to military officers. This trend continued until 1940s. After the settlement of canal colonies in military's land share was decreased but production increased due to excessive water availability that ultimately boosted the profit ratio of military officers.⁴ Hence it is rightly pointed out that:

The Pakistani people in general and peasantry in particular have been bearing the repercussions of this feudal system of colonial era in to the

Building Community Resistance Against Land Grabbing

21st century. The feudal system of past paved the way to form two brutal forces in the country namely that of the Pakistan Military and the feudal barons. Both have time and again collaborated for ensuring smooth functioning of class – based system dominated by the feudal elites and military leadership in the country. Thus they have ensured the exclusion of peasantry from access/ right to land which they till with their toil and blood.⁵

Thus at its inception, Pakistan's agriculture sector inherited an abusive system of the colonial era when, according to Government of Pakistan, only seven per cent feudal class owned 56 per cent of the land and only one per cent of the elite class owned 30 per cent of the land. After the British colonial rule finished and Pakistan became an independent state in 1947, the Pakistani state moved forward with the same structure rather than taking necessary steps to change this exploitative system in agriculture.⁶

History of Land Reforms in Pakistan

Hari (peasant) Committee, established few months before independence, presented the first land reform report before the Government of Pakistan. The report had two parts: one was called the majority report and the other, minority report. Majority report was in favor of continuation of existing (feudal) agricultural structure, opposing the idea of equal land distribution among peasants, but the minority report said that 'there should be complete abolition of *zamindari* system and all of the land must be returned to state and redistributed among peasants'. This second part of the report was not allowed to be published for more than one year in the country.⁷

The second agrarian reform report was presented by zarai (agriculture) committee formed by Pakistan Muslim League in 1949, and members of the committee were also renowned feudal lords of the country. The report consisted of both long term and short term measures. Under long term measures the size of large land holdings was decreased to about 150 acres for irrigated areas and 450 acres for non-irrigated areas. Land above this ceiling was to be taken by the state for redistribution among tenants, small farmers and landless workers. Following were the short term objectives of the land reform committee that recommended a line of action:⁸

- Tenancy period of at least 15 years with a written document between landlord and tenant.
- Landlord should not be allowed to maintain more than 25 acres (10 hectares) of land, a size which actually allows the land to be a tenant – at will.
- The report mentioned that the share of landlord in the total produce should not exceed 2/5th and this was supposed to be paid in cash.
- Other recommendations included minimum wages, fixed working hours, unemployment insurance, health insurance, pensions, and medical aid.⁹

Another move towards land reforms was taken in 1950 in the shape of Provincial Tenancy Act, which basically were the amendments in the Tenancy Act 1887 legislated and enacted by the British Raj. The amendments led to the abolishment of payments of levies and pre-requisites to the land lord by the tenant. The Tenancy Act of Sindh was also enacted at the same time. Another amendment in Tenancy Acts was made in 1952 providing fixed tenure of one to three years for the share cropper and 40% share to be granted to the land lord in Punjab, Khyber Pakhtoon Khwa (formerly NWFP)..However, in the Sindh province, this share was set at 50%.¹⁰

Political power of the feudal class increased after the 1950s elections. They obtained 80% of the seats in Punjab and 90% of the seats in Sindh assemblies. A political debate on land reforms and green revolution policies was initiated during this period. In October 1958, General Ayub Khan imposed martial law in the country and remained in power for ten years. Under his military dictatorship, land reforms and green revolution policies were implemented with the support of the feudal class of Pakistan.¹¹

With the support of the military regime, the West Pakistan Land Reform Commission Committee comprising revenue personals had no representation of the peasants. The committee recommended a ceiling of 500 acres for irrigated and 1,000 acres for non-irrigated land area for individuals, including incentives such as land up to 150 acres for orchards, 450 acres for the heirs and 15 acres for female dependants. Due to such incentives only 1.9 million acres of land was resumed by the government. After 1967, 50% of 1.9 million acres resumed land was sold to small and landless peasants; and the remaining land was sold to rich farmers and military officials.¹²

The second land reforms were carried out by Mr. Zulfiqar Ali Bhutto in 1972. It needs to be pointed out that Mr. Bhutto also belonged to a feudal family. Bhutto's reforms stipulated a ceiling of 150 acres of irrigated land and 300 acres of non-irrigated land. Excess land was taken without compensation. A total of 1.3 million acres of land were resumed of which 0.9 million acres were redistributed and only 1% landless tenants and small owners benefitted from those land reforms¹³.

After these land reforms a new ordinance, the Ordinance II of 1977, was passed with a ceiling of 100 acres for irrigated land and compensation of bonds for land lords. The Land Reform Act Ordinance 1977 was amended in the regime of General Ziaul Haq with redistribution of only 0.9 % uncultivable and infertile land.¹⁴

Keeping this historical perspective of land reforms in view one should be clear about how the feudal and elite class, who owe their existence to their colonial masters, have controlled the fate of this country with the alliance of the military and civil bureaucracy. Furthermore, after the end of cold war, they have welcomed the imperialist neoliberal agenda to strengthen their power base.

Building Community Resistance Against Land Grabbing

With the promulgation of the WTO (and agreements such as the Agreement on Agriculture and other free trade agreements) imperialism got further access to natural resources of the Third World countries which could be exploited and plundered without restrictions. Agriculture sector is now wide open for traders and foreign investors. This phenomenon has further changed the dynamics of traditional agriculture and has promoted corporate agriculture farming through heavy machines, massive use of fertilizers, pesticides and hybrid and genetically modified seeds.

Pushing forward the imperialist agenda of foreign trade and investment the Governments of Pakistan first, under the leadership of General Ayub Khan promoted the Green Revolution (an alliance of small and landless farmers in Pakistan, namely Pakistan Kissan Mazdoor Tehreek, call it the 'Black Revolution'), and second, during General Pervez Musharraf's regime, started leasing farm lands by passing the Corporate Farming Ordinance in 2001. The ordinance was approved by the cabinet in 2004 when the provinces identified 1.14 million hectares of land that were available to be leased.¹⁵ This law now allows Pakistani land to be leased to foreign companies. Features of this ordinance are given in annexure I.

In the fiscal year 2006-7, Pakistan Board of Investment charted out 'the Investor Information Guide' mentioning the land availability and other resources with policy guidelines for foreign and local agriculture investors and information of land availability data of every province. Text can be seen in annexures II, III, IV & V.

As a result of such policies, the United Arab Emirates (UAE) signed a MoU with Government of Balochistan for the lease of 150,000 hectares near Mirani Dam. Since then other similar deals have been negotiated. A Dubai-based investment group also acquired 324,000 hectares of Pakistani farmland while another Qatar based Meat and Livestock Company (Mawashi) is reported to have invested one billion dollars into corporate farming in Pakistan. They negotiated with the Sindh government to lease around 12,140 hectares in Shikarpur, Larkana and Sukkur districts of Sindh province.¹⁶

Land Grab in Pakistan: A Case Study of Al Dahra in Mirpurkhas

Pakistan's agriculture economy is dominated by feudal lords in the country. As members of the parliament they enjoy powers that are used to manipulate laws according to their vested interests.

They also join hands with foreign investors to make large profits. Such an example can be seen from the following case of land grab.



Taking advantage of his power and post, Ali Nawaz Shah, as then Sindh Agriculture Minister, signed an agreement of land lease with a UAE-based agriculture company called Al Dahra for a period of 10 years in Mirpurkhas District, Sindh. According to the locals and company employees, the leased area encompasses up to 3200 acres.

Syed Ali Nawaz Shah is a feudal lord, politician and (reported) industrialist holding vast agriculture lands as well as a sugar mill in Mirpurkhas, Sindh. Since 1977 he has held different positions in government institutions: as an elected member of the Pakistan People's Party (PPP), the most dominant political party in Pakistan, and is currently in the government. Mr Ali Nawaz Shah is currently serving as the Agriculture Minister of the second largest province of the country, Sindh.

According to some news agencies, Mr Syed Ali Nawaz Shah has been meeting with UAE government officials and people in political power. For instance, it was reported that Mr Ali Nawaz had meetings with the Abu Dhabi Ruler's Representative in the Western Region, H.H. Sheikh Hamdan bin Zayed Al Nahyan where methods to boost cooperation between the UAE and Pakistan in the area of agriculture were discussed.¹⁷ Based on the information posted at the Al Dahra website, the contract on leasing land to Al Dahra in Mirpurkhas was initiated in 2007 and the meeting between the agriculture minister and Sheik Hamdan bin Zayed was at a much later date. However, there is clear conflict of interest, given that the minister is able to use his official contacts to broker private business ventures.

The report also emphasizes the tribute paid by the Sindh Agriculture minister to the Sheikh "for reaching out to the poor, the needy and people in distress in various parts of the world." However, the following report that expounds the impact of land grabbing happening through the minister's hand on his feudal land and the impacts of such an act on the most marginalized poor citizen of Pakistan: Hindu Kohli community in rural Sindh: as the study will detail later, the impacts of land grabbing in Mirpurkhas has indeed 'reached out to the poor' but the result has been loss of livelihood, indebtedness, hunger and poverty.

During the focus group discussions and walking in the villages, there was tight surveillance of the research team. One female researcher, as she was conducting a FGD with women in a village home in the Minister's village, noticed a person climbing on the roof of a building (which was just across the Minister's house) and looked into the home where she was sitting. He stood and watched the process for some minutes and then went away.

There was a general sense of fear and unwillingness to say anything negative about the Minister. Respondents, especially in the Kohli community assured the team many times that they had no complaints and were very satisfied with the feudal lord. There was security and safety here and indeed people from other parts of the district envied them their safe abode.

Comments made by laborers or villagers which would point fingers to Al Dahra or the Minister were negated in a group. It was felt that people were afraid to make comments in public, especially if they felt somebody could testify on them having said anything that could vilify the Minister or the Al Dahra company.

Mirpurkhas: an Overview

The area of the District Mirpurkhas is 2,925 sq kilometers. Mirpurkhas’s current population is 1,569,030; its annual growth ratio is 3.53% (2010) and is the fourth largest city in the province of Sindh. It lies between 240-46’ N 680-54’ to 690-30’ E.¹⁸ Because of minimum industrial growth, more than 80% of the labor force works in the agriculture sector. The district has only a few cotton ginning factories and one sugar mill.

Mirpurkhas district has two main cropping seasons; *Kharif* (summer) and *Rabi* (winter). The *Kharif* season starts from April-May and ends in October-November while the *Rabi* starts from November-December and ends in April-May. However, due to regional variation in temperature, several factors determine crop patterns, sowing, and harvesting time. The crops can be further categorized into major and minor crops. Wheat, cotton, rice sugar-cane are the major crops of the district; sunflower, onion, *jawar* (sorghum), rapeseed, mustard, maize and barley fall in the category of minor crops.¹⁹

Al Dahra²⁰



Al Dahra Agriculture, a privately held company, was formed in 1995 for agriculture and animal production in the UAE. It extended its network in various parts of the globe with an investment plan of Dh 1 billion (US\$272.2 million), leasing land in Europe, the US, South Asia and North Africa to boost UAE’s food security.

Due to food inflation in 2007, many Gulf countries embarked on land purchase in other countries for their food security. It was at this time that Al Dahra won government contracts for importing 50% of alfalfa and other grass from the US, Spain, Egypt and Pakistan.

The company owns thousands of hectares of land for the production of alfalfa and other grass in countries like Egypt, Spain, the EU and the US. The company also produces fruits and vegetables exporting from Egypt and Pakistan to the Middle East and Asia, including Saudi Arabia, Jordan, China and Korea, and plans to expand into rice cultivation.



Source: <http://www.aldahra.com/animal-feed.html>

Land Lease Agreements

Al Dahra's association with Pakistan commenced in 2007, by the undertaking of a project in Mirpurkhas (city in Sindh district). The principal aim of this project was to grow Alfalfa and Rhodes grass for export to the UAE.²¹

Inquiring about the total area of land that was contracted, the research team got different responses but the figure of 3,200 acres was often used and hence may be close to the actual figure. Al Dahra has acquired 500 acres of land which is believed to be owned by Minister Nawaz Shah's niece. The niece is the only daughter of his brother who had passed away some years ago. She was given this land as part of her inheritance after her marriage. This was the first site where land grab has occurred. Al Dahra also has leased land in Syed Khadim Ali Shah's own village, where the bulk of the land lies at least 2,000 acres or more.

In a focus group interview, an informant narrated that in land accompanying the village, Al Dahra company is producing grass on approximately 180 acres but the actual land under lease is 500 acres. The informants did not have any information about the contract, or the amount being paid by Al Dahra as land lease to the land lord. However, according to a villager, the contract was originally at Rs. 10,000 per acre for five years but now the contract has been renewed for another five years at Rs. 25,000 per acre.

Management and Workforce

Al Dahra Agriculture Company in Mirpurkhas has hired two higher management personnel from Sudan. One of them, Mr. Khalid Medani has served as the Project Manager in Pakistan since 2008 with over 10 years of experience; he has specialized in agricultural field engineering, hay, farm machinery and surface irrigation. He is a B.Sc. graduate in Agricultural Engineering from Gezira University.²²

According to Al Dahra employee and other focus group informants, the company has provided accommodation to higher management personnel to live with their family in the village of Syed Ali Nawaz Shah.

Building Community Resistance Against Land Grabbing

Tractor drivers and machine operators are hired from two particular castes, the Khosa and Khaskhaili tribes. Al Dahra has employed 8 -10 guards from the same tribes as watch men for the grass fields. Al Dahra supervisor informed that the company has employed 50 – 60 local salaried laborers at Rs. 8,000; their working hours, according to him were from 9:00 am to 5:00 pm and they were also paid overtime. He said that there are four water courses and at least 15 people are employed on each water course.

Drivers are paid Rs. 12,000 per month and heavy machine operators were getting paid Rs. 40,000, monthly. According to the supervisor, all labor has been hired locally. He said the company has hired one person from every house in the village.

However, statements made by the Al Dahra employee were negated by many in the first village where land has been occupied. According to FGDs, the company had not employed people from their village; all of the workers were hired from the Minister's own village.

According to the information collected, previously 15 workers were employed on one water course but they have reduced the number to only 5-6 laborers. This means that currently no more than 24 people are employed around the four water courses.

They are paid a minimum wage of Rs. 6,500 per month. In the beginning they had been paid Rs. 4,500, which was later increased to Rs. 6,000. In the past few months the pay has been increased to Rs. 6,500. Their work includes watering the grass fields, realigning the land (called *banoo*) spreading urea, and cutting grass at the sides of the field (which machines were unable to do) as well as any other support work needed.

However, workers employed on the field were given no off day, not even one day a week. If people did not come to work, their pay would be deducted.

Production and Distribution

Rhodes grass cultivation process is being done by heavy machinery. Land preparation is the first phase of cultivation. In this process blade machinery is used with tractors. Seed sowing process is also done by machine. Automatic heavy machines are also used for watering, spreading urea, and harvesting. Work was mechanized to such an extent, that machines would also make bundles of the cut grass. Then, bundles are picked by loader machine from the field and loaded in containers for import to the UAE. These are sealed containers which are taken directly from the fields to the port in Karachi, approximately 200 kilometers away.

Grass was ready for harvesting in 15 days to a month. The average capacity of harvesting machines was cutting 5-6 acres of land in an hour. Generally, grass harvested from one acre of land would result in 5-6 bales, each of which

was of 14-15 maunds. During the winter months (November to February) grass production declines such that only one harvest is obtained in two months during the four months of winter.

Grass production data vary in the area: according to an informant grass was cut twice in a month. According to the Al Dahra supervisor, it depends on the fertility of land; sometimes it takes 10 to 20 days, other times, it takes one month.

Grass seed was imported from Australia and is called Rhodes; locals know it as *baroo*. However, this is not an indigenous grass and was not known to the area previous to Al Dahra introducing it in the area. Once cultivated, the seed does not need to be sown again, and bears grass for many years.

A focus group informant confirmed that the grass is imported to UAE. This is also clearly mentioned in the website of Al Dahra. The informant said that there are rumors that the production of *baroo* (Rhodes grass) is used as camel fodder. However, it is worth mentioning that grass on 3,000 acres could not be only for fodder, and it is quite possible that some other products might also be prepared from this grass.

According to locals and Al Dahra farm workers, Alfalfa and Rhodes grass production requires high quantity of water and is the reason that the company has constructed concrete water courses.

According to a labor, the company has been sanctioned a minor water channel from the Government of Sindh. The new water course has been made in 2011. There are four concrete water courses in this area, and the company also uses big water turbine motors to lift water from water courses in the days of water shortage.

Land acquisition circumstances

More than 150 houses of Meghwar community (a subcast of the Hindus), residents of village Syed Khadim Ali Shah had worked for generations on the lands of Syed Qutab Ali Shah as share croppers and peasants. A focus group informant said that there was a disperse settlement of Meghwar community around Mirpurkhas city.

'We were very satisfied with our *murshid* (land lord) as he was very kind, humble and a helping person', said a villager. After his death land passed on to his daughter whose husband removed the Meghwar community's *munshi* (supervisor), and in his place employed another person as *munshi* not from their village, and was considered to be close to the new landlord, the son-in-law of the deceased landlord.

According to community people Qutab Ali Shah's son-in-law neglected the land, and was not prone to visit the land. His employed *munshi* started exploiting peasants by giving them low wages. Deliberate reduction in the sharecroppers

Building Community Resistance Against Land Grabbing

share and ensuing debts pushed them to slowly withdraw from working on their lands, and the community started seeking other work (tailoring, driving, carpentry; daily labor for house construction, vegetable market, on agriculture farms and in brick kilns) in the Mirpurkhas city.

With time the land was left unused and cultivation was stopped for a period. After two, three years the uncultivated land was given to Al Dahra. The people who used to work there, therefore, were not directly pushed off the land, but it was done much more shrewdly and in a manner which did not put the blame on the landlord.

According to the villagers, one day they heard that land was being prepared using machinery, and that it was given for ten years to Al Dahra for grass production. Though the village people had stopped working on the land, they were still accessing it for fodder for their livestock as well for other purposes. According to them, 'now we cannot even get a single *dinghri* (wild shrub) for making *baar* (a boundary wall made from wild shrubs around the mud houses or/and the village).'

Livelihood

About 80 per cent of the labor force works in the agriculture sector in Mirpurkhas district. Due to heavy rain fall in 2011, crop devastation has massively impacted agriculture labor force of the area. According to a driver in the area, his inability to get work had forced him to sell his two goats at Rs. 2,000, an astronomically cheap price as he had no other means of obtaining food for his family.

As an informant, they could still find work as *haris* (sharecroppers) in other villages but they did not want to do so because of the exploitation and discrimination practiced as a norm. 'We have work in the fields from morning to sunset the whole year, and when the crops are harvested we find that after deduction of our debts we return to our homes empty handed. So, open labor in the cities is now suitable for us', said an informant.

Describing daily labor situation, a brick kiln worker told us that there are many other land lords in the area who are relatives of the Syed family but they are employing people on their agriculture lands as daily labor on very minimum wages i.e., for cotton picking, grass picking from cotton fields, etc. According to him, 'we do not have any other choice but to work for them.' He added 'even if I demand Rs. 250, it is no use as another person will agree to work for Rs. 200.' A worker said that his other family members were also working as laborers. His livestock had died in the recent rains; they were a source of livelihood for them as they used to give 4- 5 kg of milk which could be sold at a nearby local hotel. This money allowed them to purchase flour. His family members also work during wheat harvesting. If they would harvest one acre of land, they would obtain 4-5 maunds as payment. The same situation was also highlighted by a Muslim women focus group. According to a woman at least one male member

from every house works and could earn Rs. 300, however, up to Rs. 100 of this wage is consumed in transport fare.

Highlighting miserable conditions, a young boy working as motor mechanic in Mirpurkhas city said, 'how can we save from Rs. 200 to 250, when all of the money goes into household expenditure?' On the other side there are many social requirements like marriage in the community or needs of the children and expenses for funerals, health, etc, so they have to sell their livestock for these requirements. This was also mentioned by women focus group that they are rearing their livestock to meet basic requirements. It is important to note that rural population rear live stock just for the fulfillment of basic expenses, as for them their livestock is equivalent to money in the bank. Focus group informants said that they don't have any bank balance as they are daily workers; hence such type of live stock is their only asset.

According to the locals, there are no other job opportunities nor has Al Dahra provided any other livelihood facilities. Initially, for first two months they hired local women for grass cutting on the provision of some biscuits and milk. There is very little work for the locals on the farms maintained by Al Dahra because of almost total automation of the production process.

Most of the community youngsters work in orchards during mango picking season and earn easily 3 – 4 thousand in a month. However orchards contracts are also awarded to outsiders who bring orchard labor with them; often these contractors came from Multan in Punjab. A Meghwar community leader said that they were living by helping each other mutually.

'There was plenty of grass for our live stock in our homes but now we are feeding them from remote areas', said a women informant. Human beings are facing similar conditions: 'whenever we have money we eat more and when we earn less we eat less. We used to have our own *lasi* (milk and water drink made from curd), milk and butter from our livestock. We also use to take out our livestock for grazing but this has also stopped even since the company occupied the land.'

Meghwar peasants recalled that 7 – 8 years ago they had worked on those lands 'as sharecropper in the period of Syed Qutab Ali Shah & Ali Nawaz Shah producing cotton, sugarcane, wheat, chili and vegetables, rearing cows, buffalos and goats with abundance of milk, curd and butter, but today all that has vanished'. According to a brick kiln worker "Qutab Ali Shah's son in law's *munshis* started to reduce the sharecroppers share up to ¼ of the harvested crops; previously there were four to five animals in every home but now we cannot afford animals due to unavailability of grass. Our daily labor earning is up to Rs. 200 – 250, the reason we are living hand to mouth. How can we feed our livestock in this situation?'

According to a woman in focus group, 8 -10 years ago many crops were cultivated on the lands leased to Al Dahra. However, increasing shortage

Building Community Resistance Against Land Grabbing

of irrigation water led to the land going barren and was later leased to an Arab Company. It was also reported that before Al Dahra's contract, 400-500 acres of land was cultivated but cultivation declined to 100-150 acres due to water shortage. Some of the villagers continued to work in the fields as *haris* (sharecroppers) and some of them went to Mirpurkhas city for daily labor work and some learnt tailoring work.

Meghwar and Kolhi women worked in cotton fields and for wheat harvesting easily earned 2 and 2 ½ maunds wheat for one acre of harvesting. Ten to 12 maunds of wheat used to be stored in every home, enough for 4 -5 months. Usually a family consists of 12 members and consumed 3-5 kg flour per day. According to a worker he was receiving Rs. 6,500 since the last two years. He had five brothers and two sisters -- three elder brothers work as tailors in Mirpurkhas city while two younger ones were studying and looking after livestock at home.

Impacts on food security

Average wheat yield in Sindh is 30 maund per acre, 3,200 acres of land can produce 96,000 maunds of wheat, but after the land lease to Al Dahra this is not possible. As mentioned before, the area under land grab was used for cultivating wheat, chili, cotton and other crops. Now the communities living in the land grab area purchase vegetables and flour from their daily wages, and the price of flour and vegetables increases periodically. It needs to be mentioned that during a focus group discussion, a man from the village came in. He was quite agitated and informed everybody that the price of flour had gone up by four rupees, i.e from Rs. 32 to Rs. 36 per kilogram. The same incident again happened while a female member of the team was talking to some women, when a person came in and reported the increase in flour prices.

The team noticed that the news was almost like an electric shock for the villagers. This is no wonder. If the average earning for one person is Rs. 6,500, and on average only one person is able to find work in the city this would be a tremendous increase in wheat price. At least 3-4 kg of flour is consumed daily by a family of 6-7 in the rural environment. (Generally, they have another food item but in meager quantity (such as a gravy-based dish or potatoes) and hence hunger is basically staved off with eating more *roti* than other healthier helpings of vegetables. Meat of course is almost unheard of in villages, especially in Sindh.). So on the average they would spend Rs. 100-130 daily only for purchasing flour. If the price would have gone up by Rs. 4, the average increase in cost would be about Rs. 480 per month. If the total household's income is Rs. 6,500 then such an increase in the price of wheat is almost tragic. This was also gauged by the responses from the people. On being asked how they managed, a person responded that if they had been able to get work on that day, they would bring home 5 kg of flour, otherwise make do with two. Another woman had remarked, "if there is food available, we eat; otherwise, we make do without. What else can we do?"



Heavy water lifter pumping machine of Al Dahra in village Sayed Khadim Ali Shah



Al Dahra concrete water course in village Sayed Ali Nawaz Shah



New water channel sanctioned from Irrigation Department of Sindh for Al Dahra Grass fields

These marginalized communities have to work hard just for their daily survival. During wheat cultivation season people have to go to other land lords' land for wheat harvesting and get three maunds for harvesting one acre of land. It is indeed ironic that rural population are primarily responsible for the country's food production but they cannot feed their families: certainly a boon of imperialist agro-chemical policies.

A focus group of women yielded the information that they have reduced their livestock due to scarcity of grass in the area. Women in the focus group mentioned that previously they would keep half the milk from their animals for household consumption and sell half in the market to earn some money for other household expenses. But this situation has stopped after the land grab. According to a woman, her son had tried to cut the grass being grown on the Al Dahra leased land. They put her son in the police lock up and it became very difficult to get him released. After that, the villagers have reduced their livestock and ensured that they do not access grass from there. As the woman put it, her children were dearer to her than the livestock and naturally under the circumstances they have to protect their children.

Impacts on water

People living at the tail end areas face immense water shortage because of massive water theft by Al Dahra land in the front areas of the water channel. There is water shortage on adjacent lands also. A focus group informant said that due to water shortage, 3- 4 hundred acres of land of Choudhry family has also become barren and they have to survive on jobs at the poultry farms in the city.

Al Dahra has installed a heavy water sucking machine which sucks water from the water channels creating water shortage in adjacent lands. A woman said that due to water shortage in the area grass production in adjacent lands is also declining. The irrigation authorities release some water after 15 days.

As has been reported before, an additional government water channel has been added in the past year. No doubt the diversion of government resources toward

Building Community Resistance Against Land Grabbing

Al Dahra operations is due to the Sindh Agricultural Minister's bureaucratic power. It is the same power which is keeping not only the villagers quiet but also other smaller land holding families.

Rural development

During the research team's visit to the area vast land was being used for Rhodes grass grown in four villages, namely Syed Ali Nawaz Shah, Khaskhaili, Jumoo Machi and Syed Khadim Ali Shah.

Village Sayed Ali Nawaz Shah consisted of more than 200 houses of Meghwar and Kolhi community (Hindu sub-castes). Houses were made up of mud and straws, many of which were built with bricks and concrete material but had poor drainage, health, and education facilities. A small school constructed by an NGO was seen in the village.

Village Sayed Khadim Ali Shah is on the main road connecting Mirpurkhas city. It is divided by a water course called water course¹⁵. Meghwar community is on the left of the water course, on the right there are houses that belong to Syed land lords and Kumbhar community, and at the back of the village there are about 30 – 40 houses of Bheel community. In this village a girl's middle school, an animal hospital, boy's middle school and a basic health unit were also constructed but were not functioning.

After the heavy rainfall in 2011 which resulted to damage and destruction in Mirpurkhas, different NGOs like ACTED, Save the Children, UNICEF and World Food Program started relief and rehabilitation work and provided temporary shelters, pit latrines, flour and food, hand pumps and huts. A local person informed that ACTED Pakistan has provided Rs. 2100 for the construction of huts and some construction materials like bamboos, *patar* straw roof and plastic. A person enthusiastically said: 'We received 12 kg wheat flour three times due to influence of Syed Ali Nawaz Shah'.

In fear of displacement a woman from a focus group said that 'we cannot dare speak for our rights. Suppose if we ask them and they pull us out from our homes where do we poor people go?' She said, 'we do not have enough to



Livestock and houses of Meghwar communities. Materials for new constructed houses were donated by an NGO, as communities' houses were destroyed during heavy rains and floods in 2011

settle in the city or get any home on rent.’ The contrast in the homes of the villagers and that of the Minister needs no comparison.

Displacement

An informant in a focus group disclosed that many families have migrated to Tando Adam, Tando Allah Yar Samaro and Dighri cities in search of livelihood. ‘We also feared losing our homes; it may be possible that our village land could be confiscated by those land lords so we could not do anything. The land lords can do that for the greed of money’.

Citing example of landlessness, a villager said that there was a village in the Meghwar community on the opposite side of the road beside the Laghari Petrol Pump station which has been evacuated forcefully as the land has been marked for residential development. A villager reported that 100 – 150 families of Meghwar and Kolhi communities have shifted after the land was leased to Al Dahra. Another person mentioned that some of their members were moved to another community in the vicinity as the land on which they had their homes was given to Al Dahra.

Impacts on women

Women usually went for cotton picking and also work in the fields. They were focused on harvesting a number of crops including chilis, brinjal, onions as well as other work. A focus group woman said that they earn only Rs. 100 for onion sowing and Rs. 200 for working in cotton fields from 7-8 am to 5 pm. However, they get Rs. 250 per maund for cotton picking but were hardly able to pick 10 to 20 kg per day. They were able to earn Rs. 70 for a complete process of onion harvesting, cutting off the leaves on the top of the onions and then putting the onions in a bag of 100 kg.

In another focus group a woman narrated a story of exploitation of Syed family. She said, once, community women ploughed chilies in the fields of Syed Ali Nawaz Shah for three days but they were not paid their wages. All of those women workers work in the fields of Syed Khadim Ali Shah, Qutab Ali Shah and other adjacent lands in the past; however, now there was no work. A Muslim woman also narrated the story of past exploitations by *munshis*; according to her, women who were from sharecroppers families were not paid cotton picking wages. The *munshi* would deduct their cotton picking wage labor against expenses incurred for procuring fertilizers and pesticides.

One of the women said that there are more than 10 family members dependent on just one working family member. However, after land had been leased to Al Dahra, they found that they were unable to find work as cotton pickers. According to them, the Kohli women had to go to fields which were far from their village. But the Muslim women had no contacts which would have afforded them cotton picking opportunities. Kohlis were able to find work and they even had transport coming to pick them up but the Muslim women did not know how to go about

Building Community Resistance Against Land Grabbing

finding similar work. Therefore, they felt their household circumstance was very difficult as they were totally dependent on their male workers.

They felt that they could not complain to anybody. When the Minister came, there would be many people with him and he was not willing to meet with the villagers. According to another woman, 'to whom can we complain, when the daughter of Qutab Ali Shah is living in Karachi and never comes here'.

Impact on the environment

There was massive use of fertilizers to produce grass on land leased by Al Dahra. According to the workers, on the average four bags of urea were used per acre in a month and about 12,800 bags of urea were used on 3,200 acres per season. Locals were, however, unaware of environmental impacts of fertilizer use. There was no use of pesticides.

Resistance

Speaking of resistance a motor mechanic responded, 'how can we resist against land given to Al Dahra as our community people stopped working on lands 2 – 3 years before the coming of Al Dahra? Suppose, if we put our objection to the land lord Syed Ali Nawaz Shah for contracting his land with company, then surely he would ask if we can pay the amount of lease the Arabs are paying.' 'Honestly speaking, we are very thankful to Syed family for giving us some portion of land for our homes. Another good thing is that, nobody can displace us from here, we are living in a safe and secure environment', said an old man during focus group discussion.

Focus group informants have repeatedly emphasized that they were not facing any trouble from their *guardian* Sayed Ali Nawaz Shah. They said whatever work was assigned to them they would comply as he was their guardian.

Miseries for minorities are increasing in Sindh especially for Hindu communities. They are highly insecure that is why they are in the habit of compromising with their circumstances. Talking about resistance, a laborer said that they could not ask Al Dahra to evacuate the land because they fear displacement. A villager commented that their community votes for Syed Khadim Ali Shah and there are about 250 votes. According to him they will never cast their vote for any other candidate. Again he talked about protection from Sayed Ali Nawaz Shah and his kindness in providing electricity, school, and hospitals.

Conclusion

Neoliberalism in agriculture has brought immense price hike in the cost of production. In addition, there is continuous increase in mechanization which is leading to ever increasing loss of livelihood. The elite have been increasing their wealth; if this wealth is further cemented through feudal power's combining with

bureaucratic political power, the poor will have a very difficult time breaching this combination.

The collusion of local political powers and imperialist capitalist class can be seen very clearly from the above case study of land grab in Mirpurkhas, Sindh. That displacement is huge for rural communities even before land grab means that now the situation is precarious and close to severe hunger amongst the very poor. Religious minorities are even more vulnerable. This was often seen during the focus groups. The Muslim communities were willing to speak whereas the Hindus were only willing to say good things about their land lord. The extremely high cost of living in urban areas is well known to villagers.

In rural areas at least they do not have to pay rent for residential quarters. Utility and water bills are not a monthly reality. They are well aware that if they 'do take up arms' and organize themselves they and their family members will face certainly face eviction if not being pushed into charges for criminal activity.

It is the fear of the known that stops them from standing up and putting up a resistance against the many atrocities that they face on an hourly basis. The fear of the unknown is also there. Many have no skills which they could employ in a city. Secondly, they know that the cost of living would be beyond their means in an urban environment.

However, there is no doubt that the only means of bringing back dignity to the lives of these marginalized communities is to ensure an organized movement of small and landless farmers.

Annex I

Corporate Agriculture Farming (CAF) incentives and policy guidelines

Investment Policy for Corporate Agriculture Farming²³

1. Only such local and foreign companies will be entitled to Corporate Agriculture Farming that are incorporated in Pakistan under the Companies Ordinance, 1984.
2. There is no upper ceiling limit on land holding for CAF by amending relevant laws. The size of the proposed corporate farm may be left to be determined by the prospective investor.
3. Agriculture Income Tax, regime applicable in provinces, on income from agriculture, would be applicable to Corporate Agriculture Farming.
4. Tax relief in shape of Initial Depreciation Allowance @ 50% of machinery cost is allowed to set –off provincial AIT.
5. Labor laws may not be presently applicable to Corporate Agriculture Companies. Due to special circumstances of the agriculture sector, however, appropriate labor laws may be developed for this sector within five years.
6. Import of agriculture machinery and equipment is exempted from Custom duty and Sales Tax.
7. Machinery items for wheat/grain storage and cool chain are importable at Import duty @ 0%.
8. Wherever possible, state land may either be sold or leased to the investors for 50 years, extendable for another 49 years. Preference in this respect will be given to cultivatable wastelands, which is otherwise fit for cultivation.
9. Transfer of land for CAF will be exempted from duty.
10. 100% foreign equity is allowed. (in the CAF)
11. No Government sanction required undertaking CAF except registration with BOI.
12. Exemption of the dividends (of CAF companies) from tax.

The areas of Investment for Corporate Agriculture Farming (CAF)

1. Land development/ reclamation of barren land, desert and hilly areas for agriculture purpose and crop farming.
2. Reclamation of water Front Areas / Creeks.
3. Crops, Fruits, Vegetables, Flower Farming / Integrated Agriculture (cultivation and processing of crops)
4. Modernization and Development of irrigation facilities and water management.
5. Plantation / Forestry.
6. Dairy, small ruminants (sheep, goat) and other livestock farming.

Annex II
Punjab Land Availability Position

District	Tehsil	Revenue Estate	Area available
Muzaffargarh	Kot Adu	Sadiqabad	23 blocks of 500 acres
-do-	-do-	Azizabad	2 blocks of 500 acres
-do-	-do-	Mustafabad	2 blocks of 500 acres
<i>Rajanpur</i>	<i>Rajanpur</i>	Asni	i) 2,647 acres ii) 2,080 acres
-do-	-do-	Patti Kalan Miran Khas	1,296 acres
-do-	-do-	Rakh Machka Pacca	1,036 acres
-do-	<i>Rojhan</i>	Rakh Kotla Hassan	504 acres
<i>Bahawalpur</i>	<i>Yazman</i>	Chak NO. 96/DB	500 acres
<i>D.G. Khan</i>	<i>D.G. Khan</i>	Shadan Lund Chak Ladan	2,612 acres
-do-	-do-	Dalana Patti Tomi	2,500 acres
-do-	-do-	Dalana Patti Bhuchery	i) 1,412 acres ii) 1,212 acres
-do-	-do-	Gazzi	1,812 acres
Total: -	31,111 acres		

Source: <http://www.pakboi.gov.pk/pdf/Agriculture%20overview.pdf>

**Documentation of Cases in Selected Communities in Asia
Indonesia, Sri Lanka, Pakistan, Malaysia and the Philippines**

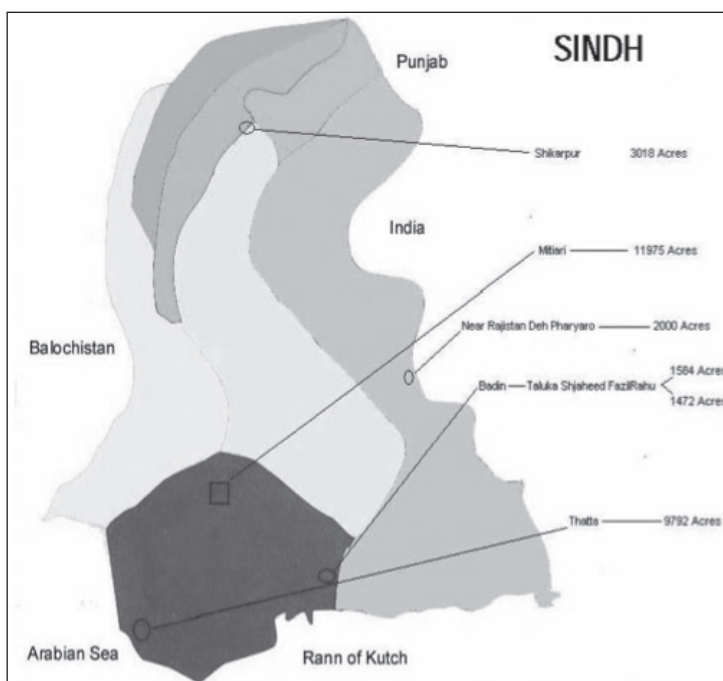
**Annex III
Sindh Land Availability Position**

Area	Location	Kind of land	Availability of water	Lease period proposed	Annual lease rate proposed
REVENUE DEPARTMENT					
2,000-00 acres (Sukkur Barrage)	Deh Pharyaro Taluka Nara	Cultivable	Under ground water is kalarish at 100 ft. depth	30 years renewable by 20 years more	Rs. 1,000/- per acres plus 20% annual increase
1,584 Acres (Kotri Barrage)	B Nos. 1158 to 1256 Deh Ahmed Rajo No.3 Taluka Shaheed Fazil Rahu, Distt:Badin.	Cultivable	Under ground water is kalarish	30 years renewable by 20 years more	Rs.1,000/- per acres plus 20% annual increase.
1,472 Acres (Kotri Barrage)	B.Nos. 2173 to 2218 & 2287 to 2332. Deh Ahmed Rajo No. 6 Taluka Shaheed Fazil Rahu Distt. Badin.	Cultivable	Barrage water can be made from Girhari Distry which is at the distance of 5 miles.	30 years renewable by 20 years more	Rs.1,000/- per acres plus 20% annual increase.
Total: 3,056-00					
FOREST DEPARTMENT					
11,975 Acres	Matiari Riverine Forest (Distance 25 K.M. from Hyderabad along National Highway near Matiari Town.	Cultivable	Water lifting from River or through Tubewells	Can be leased out for longer period (To be negotiated)	On agreed rate of joint venture.
9,792 Acres.	Riverine forest situated in distt. Thatta (50 K.M. from Hyderabad and Thatta both).	Cultivable	Lifting from Indus River or from Sapa Irrigation minor pass	Can be leased out for longer period (To be negotiated)	On agreed rate of joint venture.
Total: 21,767-00					
AGRICULTURE DEPARTMENT					
3,018 Acres	Farm at Lodhhra in Distt. Shikarpur	Cultivable	Water is available	Permanent joint venture	1,00,000 per acres (Cost)
Grant total of available land. 29,841-00 Acres					

Source: <http://www.pakboi.gov.pk/pdf/Agriculture%20overview.pdf>

**Annex IV
Sindh Land Availability Position**

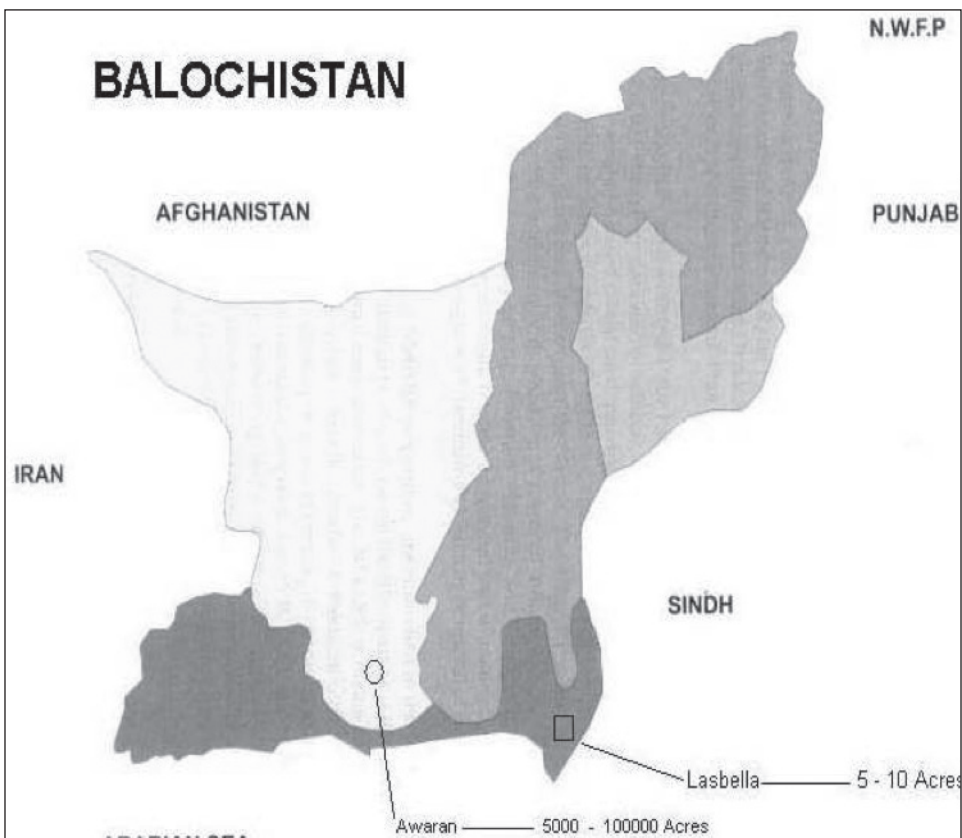
S.#	Name of Seed Farm	Location	Total Area (Acres)	Cultivated area (acres)
1.	Govt. Seed Farm, Rakh Manghan	D.I. Khan	884	673
2.	Govt. Seed Farm, Rakh Zandani	D.I. Khan	1,133	757
3.	Govt. Seed Farm, Ratta Kulachi	D.I. Khan	500	450
4.	Govt. Seed Farm, Rakh Band Kural	D.I. Khan	994	500
5.	Govt. Seed Farm, Nar Hafiz Abad, Serai Naurang	Bannu	62	60
6.	Govt. Barani Farm	Hangu	47	40
7.	Govt. Seed Farm, Bahadur Khel	Karak	84	56
8.	Govt. Seed Farm, Jamra	Takht Bhai, Mardan	120	77
9.	Govt. Sugarcane Multiplication Farm	Harichand, Charsadda	75	65
10.	Govt. Seed-Cum Demonstration Farm	Haripur	50	Under Development
Total:			3,949	2,678



Source: <http://www.pakboi.gov.pk/pdf/Agriculture%20overview.pdf>

Annex V
Balochistan Land Availability Position

	Tehsil pasni		Recreation Centers, Establishment of IT Parks,
	Tehsil Ormara		Industrial Estates, Fisheries Development.
Agriculture farms in Balochistan for Public Private Partnership			
S.No	Name of Farm	Area in Acres	Location, District
1.	A.D.I	1,185	Khanpur, Naseerabad
2.	Seed Farm Gidder	1,469	Surab, Kalat
3.	Seed Farm Gidder	3,519	Gadahwa, Jhal Magsi
4.	Coconut farm	200	Uthal, Lasbela
5.	Seed Farm	273	Usta Mohammad, Naseerabad
6.	Katvi Farm	400	Katvi, Loral
7.	Sariab Farm	280	Mastung, Mastung
8.	Model Farm	480	Gulu Shehar, Sibi
9.	Kalu Killa Farm	200	Kalu Killa, Killa Siafullah
10.	Agriculture Research Sub Station	400	Turbat, Turbat
11.	Agriculture Research Fruit Experiment Station Wayaro Farm	166	Wayaro, Lasbela



Source: <http://www.pakboi.gov.pk/pdf/Agriculture%20overview.pdf>

Endnotes

- ¹ CP Group press release, accessed on October 12, 2012 from <http://www.cpthailand.com/Default.aspx?tabid=68&articleType=ArticleView&articleId=1199>
- ² Roots for Equity. "Agrarian Reform Research" in Ujjaini Halim (ed). Neoliberal Subversion of Agrarian Reform: Asia Pacific Research Network, 2006, p. 364.
- ³ Ibid. p, 365.
- ⁴ Ibid. p, 367.
- ⁵ Ibid. pp, 368 -69.
- ⁶ Ibid. p, 369.
- ⁷ Ibid., p. 369
- ⁸ Ibid., pp. 370- 71
- ⁹ Ibid., p. 371
- ¹⁰ Ibid., p. 372
- ¹¹ Ibid., p. 374
- ¹² Ibid., p. 375
- ¹³ Ibid. 376 -77
- ¹⁴ Ibid. 377
- ¹⁵ <http://tribune.com.pk/story/221443/corporate-farming-fair-trade-well-not-really-because-were-giving-our-land-away/>
- ¹⁶ <http://tribune.com.pk/story/221443/corporate-farming-fair-trade-well-not-really-because-were-giving-our-land-away/>
- ¹⁷ Accessed from http://www.uaeinteract.com/docs/Hamdan_bin_Zayed_receives_Pakistani_Agric_Minister/36799.htm posted on 16/07/09
- ¹⁸ <http://www.pwdsindh.gov.pk/districts/Mirpurkhas.htm>
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- ²⁰ <http://www.thenational.ae/news/uae-news/environment/feed-buyers-could-reap-gains>
- ²¹ <http://www.aldahra.com/aldahra-pakistan.html>
- ²² <http://www.aldahra.com/management-team.html>
- ²³ <http://www.pakboi.gov.pk/pdf/Agriculture%20overview.pdf>

Philippines

Land grabbing through contract farming: Pantaron Village case study

By the Philippine Peasant Movement (KMP)

Background

Over the past 10-15 years, land grabbing has already started to intensify in many countries with the adoption of liberalization, privatization and deregulation policies, trade and investment agreements, and market-oriented agrarian reforms. Wealthy governments without much farmlands, like Kuwait, Qatar, Bahrain and United Arab Emirates (UAE), have sought to lease agricultural lands for long periods of time to feed their population and for their industries back home.

At the same time, foreign corporations are into long-term lease agreements and are seeking long-term economic concessions for plantation to produce food crops, agro-fuels, rubber, and many more. To deal with this new wave of land grabbing, the World Bank is promoting seven principles to serve as guide to agricultural investments and make them successful. The UN Food and Agriculture Organization (FAO), International Fund for Agricultural Development (IFAD), and United Nations Conference on Trade and Development (UNCTAD) have joined the World Bank in collectively pushing these principles.

On October 16, 2012, the FAO's official theme was "Agricultural cooperatives – key to feeding the world" to highlight the role of cooperatives in improving food security and contributing to the eradication of hunger. The FAO and the European Bank for Reconstruction and Development (EBRD) called on agribusiness to step up investment from Central Asia to North Africa. Furthermore, the two organizations called on governments to create an enabling policy environment that fosters private-sector investment.

Thus, the FAO and EBRD's thrusts will further expand agribusiness that will only exacerbate landlessness, hunger and poverty, and increase environmental

Building Community Resistance Against Land Grabbing

destruction. This will further undermine the people's right to food, agricultural progress and rural development as domestic agricultural production program is locked to neoliberal globalization.

Worse, States provide the political superstructure and facilitate the land deals. In the Philippines, the government enacted the Foreign Investment Act (Republic Act or RA 7042 1991, amended by RA 8179, 1996), which liberalized the entry of foreign investment. Section 8 of RA 6657, or the Comprehensive Agrarian Reform Program enacted in June 1988, allowed transnational corporations (TNCs) to maintain control and operation of vast tracts of agricultural lands through lease, management, grower or service contracts for a period not exceeding 25 years, renewable for not more than 25 years. Meanwhile, the Philippine Agribusiness Development Cooperation Centre (PADCC) was created in 2007 under the agriculture department to keep a bank of 'idle lands' that may be considered for agribusiness deals.

Local and foreign corporations are pushing for food production for profit. If left unstopped, this global land grabbing will further destroy the small-scale farming and rural livelihoods in numerous places in Asia and around the world. It is in this context that the Pesticide Action Network-Asia Pacific (PANAP) and selected partners in Asia spearheaded a research study to document land grabbing in selected Asian countries.

In the Philippines, the PANAP collaborated with the Kilusang Magbubukid ng Pilipinas (KMP) and KMP-Southern Mindanao Region (SMR) to conduct the study.

Overall objectives:

1. To document how land grabbing is being done through contract farming or growership by Nader Ebrahim and Sons of Hussein (NEH)-Philippines and its local cohorts
2. To record the socioeconomic impacts of land grabbing on peasant communities brought about by NEH-Philippines and its dummy corporations or cooperatives

Specific objectives:

1. To illustrate the level of ownership and control of the selected communities over the land and natural resources before NEH-Philippines came
2. To explain the conditions and approaches how the lands in Pantaron village are being grabbed.
3. To find out the impacts of land grabbing on the selected communities
4. To present the ongoing resistance of the affected communities against land grabbing

Methodology:

KMP adopted the following methodology in conducting the research from the research design provided by PANAP:

1. Desk Research – This was carried out to look for the information on the key players involved, the previous pattern of land ownership, current patterns of land grabbing, and the stakeholders involved in facilitating land grabbing.
2. Focus Group Discussion (FGD) – Five FGDs were conducted with the people in the area where land grabbing by NEH Philippines occurred.
3. Key Informant Interviews (KII) – Three KIIs followed the FGD.
4. Participant Observation – Researchers immersed with the communities in the entire duration of the research.

Laws that liberalized the entry of foreign investments and promoted land grabbing in the Philippines

The Philippine government enacted the Foreign Investment Act (Republic Act or RA 7042, 1991, amended by RA 8179, 1996), which liberalized the entry of foreign investment in the economy. Under the law, foreign investors are treated like Filipino nationals. A 100% foreign equity is allowed in certain areas of investment including those originally reserved for Filipinos by the Philippine Constitution and other existing laws. When a foreign corporation is issued the license to do business in the Philippines, it may commence to transact its business in the Philippines and continue to do so for as long as it retains its authority to act as a corporation under the laws of the country or state of its incorporation, unless such license is sooner surrendered, revoked, suspended, or annulled.

The government gives numerous fiscal incentives to foreign corporations, such as income tax holiday; exemption from taxes and duties on imported spare parts; exemption from wharfage dues and export tax, duty, import and fees; tax exemption on breeding stocks and genetic materials; and tax credits and additional deductions from taxable income. There are also income tax holidays, which range from 3 to 8 years – 4 years for new projects without pioneer status and 6 years for projects with pioneer status.

A foreign corporation is entitled to incentives especially if its business has been categorized as a pioneer project and at least 70% of production or service is exported, or if the project is in one of the less-developed areas mentioned in the Investment Priorities Plan (IPP). Companies not exporting 100% of their production or services are obliged to have 60% Filipino ownership within a period of 30 years from time of registration with the Bureau of Investment (BOI). Foreign ownership of corporations in non-pioneer projects is limited to 40% except if the company exports more than 70% of its production or service.

Building Community Resistance Against Land Grabbing

Foreign investors investing in the Philippines can lease private lands up to 75 years. Based on RA No. 7652, entitled "Investors Lease Act", foreigners may enter into lease agreements with Filipino landowners. Lease period is 50 years, renewable once for another 25 years. For tourism projects, the lease shall be limited to projects with an investment of not less than US\$5 million, 70% of which shall be infused in said project within 3 years from signing of the lease contract.

On June 10, 1988, President Corazon Aquino signed into law RA 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL). The law became effective on June 15, 1988 and it launched the Comprehensive Agrarian Reform Program (CARP). The CARP provided non-land transfer schemes thereby legalizing TNC agribusiness control of vast tracts of agricultural lands to the detriment of Filipino farmers and agricultural workers.

Section 8 of RA 6657, allowed TNCs to maintain control and operation of vast tracts of agricultural lands through lease, management, grower or service contracts for a period not exceeding 25 years, renewable for not more than 25 years.

As a result of this provision, lands leased to foreign corporations like Dole and Del Monte remained untouched. Del Monte and Dole companies are among the biggest TNCs operating in the Philippines. Del Monte has 23,000 hectares of pineapple plantations in the country. Its Camp Philips plantation in Bukidnon in Mindanao in southern Philippines spans 9,000 hectares. It also operates a 5,000-hectare banana plantation in Agusan del Norte, also in Mindanao. Dole Philippines, on the other hand, operates more than 35,000 hectares of pineapple and banana plantations in various parts of Mindanao. These TNCs managed to keep thousands of agricultural lands devoted to production of export crops, because they opted to be covered by the non-land transfer schemes of CARP.

The centerpiece economic program of Pres. Benigno Aquino III is public-private partnerships (PPP) to supposedly address national infrastructure needs, spur development, and create jobs without adding pressure to the government's fiscal resources. In short, PPP is a form of privatization.

Pres. Aquino organized a PPP summit in November 2010 where he announced that investors participating in the identified PPP projects would be protected from regulatory risks on top of having easier access to bank loans and speedier processing and the usual benefits such as guaranteed profit rates. Regulatory risk insurance requires the government to compensate investors whose profits will be affected by intervention from regulatory bodies, Congress, or the courts. Aside from undermining the mandates of these independent bodies, the regulatory risk insurance will also likely be funded by foreign loans that will further aggravate the already heavy public debt burden.

However, farmers fear that PPP would only displace them and facilitate massive land-use conversions from agricultural to export processing zones, such as what

Southern Tagalog farmers experienced with the Calabarzon project and Central Luzon farmers with the Subic and Clark Special Economic Zones.

The Aquino government has released a list of 10 projects up for grabs for foreign investors, including the extension of the Light Railway Transit (LRT) to 1) Bacoor, Cavite and 2) Masing junction in Antipolo; new airports in 3) Daraga, Albay, 4) Puerto Princesa, Palawan, and 5) Bohol; 6) city terminal for the Diosdado Macapagal International Airport in Pampanga; 7) privatization of Laguindingan airport in Misamis Oriental; 8) expressway connecting the North and South Luzon tollways; 9) Cavite-Laguna expressway; and 10) supply of treated bulk-waste in Metro Manila. Programs such as the Metro-Luzon Urban Beltway (Mlub), Sctex, connecting Aurora Pacific Economic Zone (Apeco), Cagayan Special Economic Zone, and the R1 road project in Cavite are foreseen to result in the dislocation of farmers, fisherfolk and urban poor.

Land Grabbing in the Philippines: A Case Study of NEH-Philippines in Pantaron Village in Davao del Norte

Davao del Norte is a province in Mindanao, the second largest and southernmost island in the Philippines. Its capital is Tagum City. It borders the province of Agusan del Sur to the north, Bukidnon to the west, Compostela Valley to the east, and the city of Davao to the south. It has a population of 910,784 as of 2010 Local Governance Performance Management System Census.

Davao del Norte is primarily agricultural, and also engages in mining, forestry and commercial fishing. The principal crops of the province include rice, corn, banana, abaca, ramie, coffee, coconut, and a variety of fruits and root crops.

Davao del Norte is the country's leading producer of bananas, with many plantations run by TNCs such as Dole, Del Monte, NEH, Lapanday, TADECO, Yoshida Farms, and Marsman. It is also one of Mindanao's leading producers of rice.

Davao del Norte has a total land area of 346,280 hectares. Of this, 279,759 hectares or 80% should be protected for environmental and agricultural development. The remaining 66,520 hectares or 20% can be used for urban and rural settlements, farming, industries, tourism, and other urban-related activities. The province has abundant water supply both from surface and groundwater resources.

From 2002-2006, banana contributed around 35.85% to the region's production and 14.85% to the national output. Bureau of Agricultural Statistics (BAS) records show that Davao del Norte is the leading producer of cavendish banana in the country. Cavendish banana is exported to Japan, China, and the Middle East.



Map of Davao del Norte

Davao del Norte is touted to be the country’s “banana belt”. It hosts most of the 33 major banana plantations along with small grower farms. It hosts the banana plantations of large companies such as Tadeco, Dole-Stanfilco, Marsman, Sumifro, Yoshida Farms, and NEH-Philippines. The province accounts for more than half of the 79,000 hectares of banana areas in Mindanao, according to Pilipino Banana Growers and Exporters Association (PBGEA).

Bananas are planted in 47,250 hectares; coconut in 39,650 hectares; paddy rice in 17,413 hectares; corn in 6,688 hectares; mango in 6,500 hectares; and crops such as durian, papaya and coffee in 1,625 hectares. Forty three percent or 20,264 hectares of the total hectarage planted with banana are in the municipality of Panabo and Sto. Tomas. Cavendish banana contributed the most among the major crops produced in Davao del Norte, with an estimated value of Php10.07 billion in 2007. This is followed by the estimated value from coconut production. Rice comes third at an estimated value of Php1.22 billion. Coconut, like rice, is commonly grown in all municipalities and cities. (See **Table 1**)

**Documentation of Cases in Selected Communities in Asia
Indonesia, Sri Lanka, Pakistan, Malaysia and the Philippines**

Table 1. Value of production, selected crops, Davao del Norte, 2007

Municipality/ City	Value, in Php Millions					
	Rice	Corn	Banana		Coconut	Total
			Cavendish	Local		
District I:						
Tagum	31.45	48.00	1,320.20	3.90	131.00	1,534.35
New Corella	192.35	86.30	300.00	100.00	62.00	740.65
Asuncion	198.95	119.15	350.00	50.00	57.00	775.1
Kapalong	101.90	55.10	1,100.00	40.00	413.00	1,710.00
Talaingod	8.10	332.00	4.00	21.00	12.50	377.60
San Isidro	5.15	16.50	1.00	146.50	31.00	200.15
Subtotals	537.90	657.05	3,075.00	361.40	706.50	5,337.85
District II:						
Panabo	39.25	2.70	2,800.00	75.00	124.00	3,040.95
Sto. Tomas	290.75	11.60	2,560.00	19.75	186.00	3,068.10
Carmen	175.50	14.70	1,050.00	60.00	123.00	1,423.00
BEDujali	171.40	-	580.00	2.00	2.00	755.40
IGCSamal	1.40	58.70	-	-	430.00	490.10
Subtotals	678.30	87.70	6,990.00	156.75	865.00	8,777.75
TOTALS	1,216.20	744.75	10,065.00	518.15	1,571.50	14,115.60

Source: Primary data as computed from BAS, NSO and AMAD - DA XI data

According to 2005-2010 Davao Region Industry Cluster Plan, 18,389 hectares is targeted for expansion area for banana production, of which, 7,500 hectares is in Davao del Norte.

Meanwhile, banana chips have become part of Davao Region's top exports, placing 4th and growing 29% between 2007 and 2008. At present, there are 26 processing plants of banana chips in Mindanao, 16 of which are located in Davao Region, 8 are in Davao del Norte. (See **Table 2**) The country exports most of the banana chips to the United States contributing around 17% of the total world exports. Some of the important markets of Philippine banana chips include Japan, Taiwan, UK, Germany, Korea, Hongkong, and Singapore.

Brief history of Pantaron village

This research study is focused on Pantaron village in the municipality of Sto. Tomas in Davao Del Norte. It is composed of 19 villages with a population of 109,269. Sto. Tomas is bounded in the north by the municipalities of Kapalong and Talaingod, in the east by the municipality of Asuncion, in the west by Davao City and in the south by the municipality of Braulio E. Dujali and City of Panabo.

Table 2. Banana chips processors, Province of Davao del Norte, 2008

Business Name	Location
1. Four Seasons Fruits Corporation	Magugpo East, Tagum City
2. Tagum Commodities Corporation	Magugpo East, Tagum City
3. Prime Fruits International	Cuambogan, Tagum City
4. Royce Food Corporation	Magdum, Tagum City
5. Arcmen Industries	Cagangohan, Panabo City
6. Krismarie Food Product (Micro-domestic Market)	Mabini St., Tagum City
7. San Shen Agri-Integrated, Inc. (First try indirect exporter)	Mankilam, Tagum City
8. RS Golden Food Products	Manay, Panabo City

Source: Department of Trade and Industry, Davao del Norte

Sto. Tomas is home to a diverse culture inter-mingling with Aeta, Mandaya, and Aeta-Manobo. The people are predominantly Cebuano speaking. Population is about 4,000.

When the government issued a call to young people in the 1930s to go to Mindanao and seek their fortune upon its virgin forests, thousands from Luzon and the Visayas rushed to the south of the country. Mr. Ambrosio Villafuerte, of Spanish descent and hailing from Cebu City, was one of them. Villafuerte came to Magatos village in the municipality of Asuncion in Davao del Norte where he acquired land. He moved to Pantaron village in 1932 and befriended the chieftain of Ata-Manobo. Later, he got 50 hectares of the indigenous people's land in exchange of sardines and cigarettes. This was narrated by Villafuerte's grandson who was interviewed by the research team.

From 1926 to 1969, Villafuerte and his eight children planted abaca. From the 1970s to 1985 they started to plant rice. Having difficulty in planting, Villafuerte decided to get tenants (farmers) in 1986 to help him plant within the 50 hectares of land he owned. In an agreement with the tenants, they shared 60%-40% from the harvested palay (in favor of Villafuerte) provided that the cost of production will be shouldered by the tenants.

Respondent said that Villafuerte's land was later subdivided into four titles (among his 3 children and his wife).

According to the officer-in-charge of Pantaron village, 90% of the area of 600 hectares is devoted to banana plantation while 10% is planted with rice. Most of the population are farmers whose main sources of livelihood are banana growership as tenants and as agricultural workers in banana plantation. Another source of living especially for those working as a family is peeling of rejected bananas.



Pantaron farms

Entry of Yoshida Farms in Pantaron village

In 1990, Villafuerte died of stroke at the age of 86. His surviving heirs agreed to divide the 50 hectares among them; two hectares was allocated for their home lots and those of their tenants. The remaining 48 hectares was divided equally among the eight siblings. Only four of the eight siblings are living in Pantaron village. The other four who are living outside the village mortgaged their lands at Php30,000 per hectare. These four siblings living outside the village got interested in the remaining 24 hectares being managed by their siblings living inside the village and filed a case in court claiming ownership of the other 24 hectares. They were favored by the court.

In 1992, all eight siblings agreed to sell their lands to Yoshida Farms and Trading Corporation (Yoshida Farms) amounting to Php80,000 per hectare or Php3.84 million for the 48 hectares. Yoshida Farms is owned by Lilia Yoshida Ibabao, a Filipino-Japanese.

During its early operations, Yoshida Farms planted taro (*Colocasia esculenta*) from Japan, which is used for cakes and chocolates. Later, Yoshida Farms planted taro and palay alternately every year until 2005 when the corporation started planting Latondan, a variety of banana. In 2006, it started planting Cavendish banana on 10 hectares as a pilot area. Having proven that there



Pantaron villagers rely on banana as main source of livelihood

is better income from Cavendish banana, Yoshida Farms planted it on all 48 hectares of land.

How NEH-Philippines came to Pantaron village

Dole-Stanfilco was operating beginning in 1969. In 1998, the agricultural workers had a strike because they found out that the buying rate of Cavendish per box bought from growers was very low. When the growers learned about this, they joined the strike and disregarded their contract with Dole-Stanfilco and created Gapadaro (Galapin/ Parami/ Dano/ Romero) Banana Growers Multipurpose Cooperative. Each grower would have two hectares, which could be planted with 1,500 to 2,000 banana plants per hectare and harvested after nine months.

In 2002, NEH came to Barangay (village – Bgy.) Kimamon. NEH became the financier and buyer of bananas from Packing 87 under the brand name Dana. Small banana growers who were not members of Gapadaro sold their banana to Packing 87.

NEH as financier of Gapadaro

NEH had a relationship with Gapadaro through its Board President Sammy Romero, a resident of Kimamon and a big banana grower in Sto. Tomas.



NEH is a major buyer and financier of banana production in Pantaron

Through Romero, NEH financed Gapadaro to expand in Bgy. Pantaron. The board members of Gapadaro, meanwhile, convinced individual growers to join Gapadaro, which was actually financed by NEH. In 2005, Gapadaro expanded in Bgy. Pantaron and NEH also expanded as a buyer.

Some problems were encountered in farm management in late 2006, which led to the management decision of ceasing operations in Pantaron in early 2007. NEH dedicated a team to work with Gapadaro in recovering the farm and assisting in proper farm management and protocols. Mr. Marlon Tamayo, NEH Production Assistant Manager, headed the team in establishing production processes that improved operations in Pantaron. In April 2007, NEH's new consultant from Panama, Mr. Santiago Guerra Ortiz, joined the team to improve fruit quality control in the packing house.

Building Community Resistance Against Land Grabbing

On the other hand, the growers claim that they are experiencing the same situation they had with Dole-Stanfilco, i.e. aside from being growers they are also working as agricultural workers to augment their low income. Some of them are even stealing the banana fruits and selling them outside in order to survive.

NEH Expansion

Meanwhile, Yoshida Farms also started rehabilitating their farms and planting banana. Later, it was convinced to enter into arrangements with NEH. On the other hand, Gapadaro farm management was turned over to NEH on June 15, 2009 at Packing House 84 (PH84), Pantaron, Sto. Tomas, Davao Del Norte. The Board of Directors of PH84 is under the leadership of Mr. Anecito Tambien while NEH is under its General Manager, Jeroen de Haas.

NEH Philippines is not limiting itself to bananas. It is starting to venture into sourcing of other products such as fresh pineapples, banana chips, mature coconuts, and ginger. The mother company, NEH Bahrain, is responsible for the marketing and distribution of the bananas in the Middle East. In the Far East, NEH Philippines is able to penetrate Japan, Korea and New Zealand markets through strategic alliances with reliable importers and distributors. (See **Box 1**)

Box 1. Nader Ebrahim Sons of Hussein (NEH)

NEH was formed in 1978 by Mr. Nader Rajab and Mr. Ebrahim Al Ameer. Today, NEH emerges as a leader in diverse activities – from trading, leisure, retail, computer solutions, electronics, and real estate. Between 1978 and 1985, its main focus was the Bahraini market where it traded fresh fruits and vegetables. It entered the regional market in 1985 and the global market later.

NEH is sourcing fruits and vegetables at around 18,000 metric tons per month from around the world. To expand its market, NEH Bahrain established NEH Philippines Inc in June 2001, based in Davao City, Philippines. To oversee the operations of NEH Philippines, Paul Smits was appointed as General Manager. A Dutch national and a prime mover of the fresh fruit industry, he joined the NEH Bahrain servicing the Philippine operations of the company.

NEH Philippines started exporting fresh Cavendish bananas directly to the Middle East and the Far East. Reports in 2006 stated that within four years of operations in the Philippines, NEH was able to contract more than 500 hectares of banana farms with three reliable growers – one family-owned and two cooperative growers. Majority of the farms are located in Davao del Norte.

With plantations in the Philippines beginning in 2001, NEH created its own brands – Dana, Delmon and Al Khaleej, and exported them through NEH Philippines. It further expanded and established Globe Pacific Trading Ltd in 2004 which was registered in the British Virgin Islands.

NEH International. In 2005, NEH International was established to expand NEH's global reach, including markets in Africa, the Americas, Australasia, Europe, and the Indian subcontinent. As part of its global strategy, it has taken advantage of the flow of fresh fruits and vegetables from the southern hemisphere to market in the northern hemisphere. NEH is increasing its market penetration in Europe, the Indian subcontinent, and South America.

Globe Pacific Trading Ltd. NEH's first foray into the international arena began in 1979 when it secured the agency for the world-renowned Dole brand of fresh fruits, vegetables, and other award-winning products. This association with an internationally known brand gave NEH greater confidence and determination to go global. In 1988 even before it established its Philippine-based plantations, it entered into a joint venture for the export of fruits from the Philippines. Later in 1992, this venture saw further expansion as it began to export bananas from the Philippines to Japan, Korea, China, Hong Kong, Singapore, as well as other Far East and Middle Eastern countries.

The NEH Group is also into the retail sector and is managing the Lebanon Trade Centre opened in 2003, a supermarket in Isa Town, and Home of Electronics, an electronics retail showroom and service center also in Isa Town. Currently, NEH is taking an active interest in a number of commercial and residential property investments. It also ventured into information technology (IT).

Impacts of Land Grabbing by NEH-Philippines

People in Pantaron village could not determine what Yoshida Farms and NEH-Philippines did as land grabbing. But when the conversion of their rice, corn and coconut farms into banana plantation rendered them helpless in providing food for their families, the people soon realized that the growership program has intensified the feudal exploitation of the farmers and farm workers.

The farmers have grown more tied to usury and dependent on the global market. They have lost control over their land, and this situation has aggravated landlessness, food insecurity and poverty.

Land grabbing through growership

In contract growing, the corporation dictates the production process, from what, where, when and how to plant to harvesting, packing and delivery. The growers shell out the cost of production while the corporation buys the produce at its stipulated price.

Before the village got into growership, farmers were deeply indebted to a landlord-trader, Benefredo Honorario. Every planting season, a farmer would borrow from traders for production expenses, and the loan would be paid after four months or during harvest. A farmer would borrow Php35,000 on the

Building Community Resistance Against Land Grabbing

average with a 25% monthly interest (or an equivalent of Php8,750 per month or Php35,000 for four months). Thus the farmer would pay Php75,000 after four months for his original loan amount of Php35,000. At least 15 farming families were indebted to Honorario, or at least 15 to 30 hectares are technically controlled by him.

As already related, Gapadaro proposed to the farmers to rehabilitate the land and 'rent' it with bananas as payment. Gapadaro did not explain that the cost of land rehabilitation would be shouldered eventually by the farmers. Neither did the growers' association reveal that NEH was financing it.

NEH-Philippines also looked for agricultural workers through its growers and called it 'growers' recommendation', ostensibly to avoid the responsibilities of an employer. Growers, mostly from different cooperatives like Gapadaro, served as its 'employment agency'. Until today, there is no employment contract, workers' benefits, and workers' union. Workers are casuals.

When NEH-Philippines entered the village, middlemen promised the farmers that NEH would pay for their debts with the rice traders such as Honorario, and that the farmers could pay NEH back in installments. Middlemen also promised the farmers hefty profits if they would get into banana growership arrangement with NEH.

Feudal exploitation continues

But the farmers were surprised to learn after the first time they harvested bananas that aside from the debts that NEH paid for, the company also deducted items such as stalk disposal, farm maintenance, and 'rehabilitation'. (See **Table 3**)

For example, Andres Caldito, a tenant of a ¼-hectare land, entered in to a growership agreement with NEH under PH 84 Banana Growers Cooperative. In his harvest proceeds covering March 25 to April 7, 2012 (14 days), his total gross proceeds was Php5,150.70 (US\$125), but he netted only Php82.07 (US\$2).

NEH deducted production expenses amounting to Php2,521.98 (48.96% of gross proceeds), several loans amounting to Php1,881.85 (36.54%), item on cooperative amounting to Php297.25 (5.7%), and others that include withholding tax, 13th month pay and 25% buy-out amounting to Php367.55 (7.14%) for a total deduction of Php5,068.63. The 25% buy-out (Php277.02) goes to Caldito's landlord. PH 84 that served as NEH's middleman or dummy is getting 35.52% for production expenses on fungicide, farm maintenance, harvesting cost, packing cost, National Irrigation Administration (NIA) retention, cable maintenance, and stalk disposal.

PH 84 is getting 36.54% from the gross proceeds for loan repayment of the principal and interest amounts. Farmers, however, cannot explain how the amounts are arrived at, and remain unconvinced even if PH 84 presents the computation. But they cannot complain and do anything.

Table 3. Deductions from Growers' Gross Proceeds

TOTAL INCOME		5,150.70	
DEDUCTIONS:			
Production expenses:			
SIGATOKA	597.07		
	842.00		
	273.22		
Packing Cost	41.36		
	14.40		
	45.88		
	692.47		
	15.58		
		2,521.98	48.96
Loan:			
Lending	749.00		
	462.23		
	151.79		
	419.78		
Old Loan	99.05		
		1,881.85	36.54
Coop:			
	100.00		
	197.25		
		297.25	5.77
Others			
	51.51		
	39.02		
Buy out 25%	277.02		
		367.55	7.14
TOTAL DEDUCTIONS		5,068.63	98.41
TOTAL NET PROCEEDS		82.07	1.59
			100.00

Furthermore, the total cost of rehabilitation that PH 84 spent when they converted the use of land from rice to banana is also deducted from gross proceeds. Caldito said that PH 84 informed them that it spent Php100,000 to rehabilitate his ¼ hectare, but PH 84 did not present receipts, only the computation. Caldito also does not know the process of rehabilitation.

Principal payment plus an 'old loan' and NEH's applied interest are also dubious deductions. Caldito said that the 'old loan' might be their loan to Honorario. The 'principal payment' might be the amount paid by PH 84 to their loan to Mr. Honorario. 'NEH's interest' might be the interest paid to NEH since the company supposedly shelled out everything.

Building Community Resistance Against Land Grabbing

Meanwhile, the 'item on cooperative' mentioned above, which covers capital share and savings retention amounting to Php297.25 and deducted bi-monthly, goes directly to PH 84, since it is supposed to be a growers cooperative. Caldito said they can avail of a percentage share of this amount at the end of the year. Farmers do not know why they cannot get the whole amount collected from them because this item was never explained to them. Caldito said that their contract with PH 84 will end in September 2014, but the treasurer of PH 84 has been missing since February 2013 and PH 84 chairman, Mr. Amatong, reported that the cooperative's money has been missing. News reports say that the treasurer took the money, but according to Caldito and some growers, the bank signatories are the chairman and the treasurer.

Also, PH 84 is deducting a 13th month pay from the gross proceeds supposedly for the hired agricultural workers. If a regular worker is receiving gross monthly pay of Php7,008 (based on Php292 daily wage), he or she should receive a 13th month pay of Php7,008, but instead receives only Php936.48. Besides, the 13th month pay should be paid by the employer, in this case, PH 84, and not deducted from the gross earnings of the small growers. Finally, PH 84 is also deducting a 'withholding tax' amounting to Php103.02 per month, which should be charged to PH 84 and not the growers.

Tenants and small landowners have signed a 10-year agreement with NEH.

Lands put under 'leasehold' schemes

In June 2012, NEH officials called the growers to a meeting. They informed the growers that NEH would directly manage the banana plantation in Pantaron village through 'leasehold scheme' when their contract ends in 2014. The growers would only need to submit their photocopied land title and would be paid Php210,000 per hectare for a 5-year lease contractor Php42,000 per hectare per year.

In an interview with the wife of Caldito, she said that this might save her family from their present situation, because NEH-Philippines promised them that all of their loans will be wiped out if they agree to enter into the leasehold scheme. Caldito entered into a direct agreement with NEH-Philippines in February 2013. But NEH management is asking for the authorization of Caldito's landlord and for all living siblings to sign the authorization before they can start the contract. When asked why Caldito entered into this agreement, he said it was the only solution for them to survive. He said Php42,000 per hectare per year is a big amount, although his landlord is also asking for a 50% share. But then Caldito has only $\frac{1}{4}$ hectare, which means that he is only getting Php10,500 per year or Php437.50 per month as his landlord gets half of the amount. In the end, this is even a worse situation.

Until April 2013, Caldito could not submit the signed authorization because his landlord's siblings were outside Davao. However, Caldito did not have transportation fare to go to Davao to seek the signatures of the siblings. His

family did not have money for food. Yet, NEH had been using his land since February 2013 and Caldito could not do anything.

NEH is managing Caldito's land now and he is not being paid for it until he submits the requirements. Caldito's case is replicated village-wide and NEH is taking control of the farmers' lands and dictating land use. By taking advantage of their situation, NEH has practically grabbed their lands.

Farmers become agricultural workers

In the 1970s, the people of Pantaron village were mainly dependent on planting rice. Most of the farmers were landless or worked as tenants of small landowners who owned one to five hectares. Tenants and small landowners alike were indebted to the rice traders who monopolized trade of inputs and produce and lending capital.

Today, majority of the people in Pantaron village are working as agricultural workers in banana plantations. The landowners incurred large debts to rice traders over the years. NEH came along and offered to pay for their debts, provided that the small landowners would enter into a growership contract with NEH to plant bananas and deliver to NEH. Landowners would repay NEH from their earnings from the banana plantation. Thereafter, the landowners informed their tenants to change the crops from rice to bananas for export. The rice lands were converted to banana plantations and the tenants were turned into agricultural workers.

Agricultural workers from Yoshida Farms explained the whole process in producing banana. They said that the life-span of a banana plant is 30 years. Samuel Selda, 26 years old, single, working as an agricultural worker in Yoshida Farms for 9 years, said, he started at Yoshida Farms when he was 17 years old. He was a casual worker for 5 years and a regular worker for 4 years. Together with three of his co-workers, they worked as all-around agricultural workers. All of them do not own land.

An all-around agricultural worker performs the following tasks: planting, sanitation (cleaning of the banana heart), injection (to inject 101, a kind of pesticide), pruning (to cut back small bananas), dihandi/ flowering and ribbon (to take black finer in the banana), spraying 202 (Decis-M and Decis-R), bagging (to put bananas in plastic), suksuk (to put plastic for every finer), propping (to bind a twine to protect bunch from falling), de-leafing (to take yellow leaves), calliper (to measure the size), harvesting, rolling (to put on the cable), and packing. Doing 'ribbon' means color-coding each bunch of banana to guide them what to harvest next. Every week they use different colors such as red, yellow, white, or black.

At the packing house, the bananas will be removed by hand from the bunch (called de-handler). After 15 minutes, the bananas will be classified into two – class A (if it is smooth) and class B (if there is a little spot). The rejected bananas

are skinned. Then, the bananas are weighed; minimum weight is between 13.5 to 13.7 kilos. Afterwards, the bananas will be sprayed with Rovral to remove the resin, and then labelled – Class A for Dana and Class B for Deluxe. A foam will be placed inside the box and the bananas will be vacuum packed to remove air inside the plastic. Then, the box will be stamped with the grower code, packer code, and date. The box will then be put in the container van.

Agricultural workers are exploited

From 1993 to 1997, Yoshida Farms paid an agricultural worker a minimum wage of Php40 per day to a maximum of Php50 per day. In 1999, the daily wage became Php70 to Php80. In 2000 the minimum wage increased to Php100 per day. In 2003, the daily wage was Php110 per day and became Php130 to Php150 per day in 2005.

Yoshida Farms is implementing a one peso higher minimum wage from the minimum wage in Davao as prescribed by the Department of Labor and Employment (DOLE), amounting to Php292 per day for a regular worker. This is composed of Php277 (basic wage) plus Php15 (cost of living allowance or COLA). A regular worker works 6 days per week and receives his or her salary every 15th or 30th of the month.

In the sample computation, a worker is single and does not have any loan or salary advances with Yoshida Farms (See **Table 4**). But majority of the workers owe Yoshida Farms.

Table 4. Sample Pay Slip of a Single Agricultural Worker

Item		Percentage
Gross pay: P292/day x 6 days x 2 weeks	= PhP 3,504.00	100%
Less:		
SSS	- PhP 262.80 (twice a month)	7.5%
Pag-ibig	- PhP 86.00 (twice a month)	2.5%
Philhealth	- PhP 150.00 (twice a month)	4.3%
IncomeTax	- PhP 300.00 (twice a month)	8.5%
Union dues	- PhP 100.00 (per month)	2.2%
	Total deductions:	PhP 898.80
		26 %
Net pay every 15th	PhP 2,602.20	74%

Workers of Yoshida Farms said that government social security benefits such as SSS, Pag-ibig, PhilHealth as well as income taxes are deducted from their salary twice a month. But Yoshida Farms management cannot show proof that the company is remitting its collection to the government agencies. This issue is being taken up by the Yoshida Farms Labor Union (YFLU).

Another respondent, 25 years old, single and has been working for 10 years at Yoshida Farms, said that before Yoshida Farms went to the village he was earning Php450 per week as a farm worker, without any deductions. Today, 26% of his gross pay goes to deductions. Yet, he is not enjoying these 'benefits' and doubts if Yoshida is really remitting the amount.

Workers are also agreeing to work even without contracts, because those with contracts, according to the workers, can only work for a minimum of three to a maximum of five months. Workers without contract thus would rather be uncertain about their tenure than be certain that after three or five months they would be dismissed.

Worse, women hired as packing crew only work for four days per week with a minimum daily wage of Php292. Yoshida Farms is implementing "no packing, no wage policy".

Still, there are cases where agricultural workers are receiving below minimum daily wage amounting to Php170. They do not get benefits and are casuals.

Workers said that they would rather continue working at Yoshida Farms despite the unfair labor practices because if they work with the growers, they will receive a daily wage of only Php150. Besides, there is no guarantee that they will be hired because growers or companies are wary of hiring workers who used to be members of a union.

Another woman respondent, 55 years old, married, with 5 children and does not own a land, is working as a lead person under a grower, Joel Beto Alla, who has two hectares of land and under growership with Gapadaro. The respondent started in January 2012. Before that, she worked at Mangaron Farm as weigher, packer, labeller and selector for 15 years, with a daily wage of Php300. She only worked for 3 to 4 days a week. But today under Alla, she is receiving Php200 daily minimum wage. She said her earnings are not enough to feed her family. She does not have any contract and other benefits. She said that life was far better before when they planted rice, because at harvest they would have rice to eat, unlike now when they cannot afford rice and dish everyday.

Endangering food security and livelihood

According to Rommel Sagara, 30 years old, married, with one child, his landlord converted crop from palay to banana. He worked in a banana plantation when his landlord converted crops and is now working as an all-around agricultural worker.

One respondent shared that in four months, a family of six would consume one sack of rice, Php800 per week for the school expenses of their four children (transportation, food), and Php250 per month for boarding house of the students

Building Community Resistance Against Land Grabbing

who study in Tagum City, because only an elementary school is available in the village. They get food from their backyard such as vegetables and duck, and can no longer eat three times a day.

Because of the entry of NEH in Pantaron village, the farmers can no longer plant food crops such as rice, corn, vegetables, root crops, etc. Their jobs in the plantation are limited to mixing chemicals for the bananas, cleaning the surroundings of the bananas, removing the withered leaves, cleaning the harvested bananas, and other mechanical and technical maintenance. Their knowledge thus becomes limited. The wage they get as agricultural workers on the other hand is not enough for their basic needs including their children's education.

A better life gone

Mr. Agapito Ijalas, 57 years old, was born in Davao City. His family moved in Pantaron village in 1959. He started working in the farm at the age of 9, helping his father who was planting rice and corn. They had their own carabao. They were tenants under the family of Royo and Francisco. His father agreed that they would leave the land when the landlord starts using the land.

Ijalas said that before, farmers practiced traditional farming and saved rice seeds such as Zambales, Hinumay, Lubang (and upland rice). They used traditional corn varieties such as "padada" and "tinigib". There were no pesticides then. In the 1970s, farmers started using high-yield varieties (HYVs).

From 1980s until 1994, Ijalas was planting rice and corn on more than one hectare of land. He stopped when the farm he was tilling was converted into a banana farm. His landlord entered into a growership arrangement.

Today, Ijalas earns a living by peeling rejected bananas and sells these at Php4 per kilo either to Packing Plant 40 or Packing Plant 42 (Dole Stanfilco). The buyer that has rejected the bananas gets to set the selling price. The rejected banana is for feeds. Ijalas earns Php500 per week during peak season, but during rainy season, he earns nothing.

Water is not safe

A respondent who is the acting village chief shared that before Yoshida Farms and NEH-Philippines came to Pantaron village, the people got their drinking water from a water pump and each sub-village had one water pump. When the banana plantation was established, the residents observed that the water had a different taste and they could no longer drink it. They thought that probably it was due to aerial spraying of pesticides being conducted by the Yoshida Farms once a week.

In 2003, the poverty program, Kapit-Bisig Laban sa Kahirapan-Comprehensive Integrated Delivery of Social Service (KALAHI-CIDDS) in partnership with the

Pantaron village officials and funded by the World Bank, set up a potable drinking water system. But it is only for those who can afford to pay the monthly fee, according to the village official. A household that consumes 1,000 liters per month has to pay Php100 per month. But residents who have water connection complain that when they turn their faucets on, strong air pressure is coming out but only little water. The air pressure, according to the residents, is jacking up the water bill. Also, the water that is coming out is reddish, and residents use it only for washing clothes.

This is contrary to the KALAHI-CIDDS report to the World Bank. KALAHI-CIDSS regional project manager and assistant regional director of the Department of Social Work and Development (DSWD) Minda Brigoli reported to the World Bank supervising team that went to visit Sto. Tomas in Davao del Norte in 2004 that the water system in Pantaron village (and other villages that constructed the water system) resulted in improved sanitation and hygiene, lower incidence of water-borne diseases, and reduced household expenses as residents no longer had to buy commercially sold water. The project had also allegedly unburdened women and children from the arduous task of fetching water and “thus, their time can be spent for other productive activities; children now have ample time to focus on their studies.”

Health is at risk

Four respondents, ages between 22 and 27 years old, who have worked as agricultural workers between 5 and 10 years at Yoshida Farms, said that they apply pesticides on bananas as part of their job. They do not wear any protective gear, although the management would give them protective gear if there was routine inspection by the representatives of the local government. But after the inspection, the protective gear would be taken again by the management.

One respondent, Samuel Selda, added that although they use washing machine to mix pesticide, they still touch it when they transfer it. Another respondent complained that during his work, he is always exposed to pesticides and hit when aerial spraying (or the use of small planes to drop fungicides) is being conducted. Part of his nape was burned during aerial spraying. He always feels itchiness.

Aerial spraying is being conducted once a week. Agricultural workers simply take cover under the banana leaves during aerial spraying, which does not help prevent exposure to the chemicals.

People interviewed in the village said that aside from pesticide exposure, they are also afraid that the plane conducting aerial spraying might crash. They cited the case of the plane that crashed into a house in Panabo City in Davao del Norte in July 2010.

One respondent said that in aerial spraying, people do not have a choice. People living within and around the banana plantations get all the poisons

Building Community Resistance Against Land Grabbing

while corporations are saying that banning aerial spraying would mean death to the banana industry.

A village official shared that although there is a village health center, the assigned midwife visits only once a week while a village health worker is regularly available who is receiving an honorarium of Php300 per month. For serious illnesses, people have to go the regional hospital in Tagum City. Most of the children in their village are malnourished and the village official attributes this to the small income of the residents as they cannot provide healthy food for their children. The common diseases of children are fever, dengue, and skin diseases such as ringworm, athlete's foot and itchiness.

People's Resistance

The Yoshida Farms Labor Union was established on June 27, 2011. Yoshida Farms employs more than 60 workers, including contractual workers and those in the supervisory positions. Of these, 40 are members of YFLU, federated with the Association of Democratic Labor Unions (ADLU)-Kilusang Mayo Union (KMU). The union is the result of workers' struggle – they asserted their rights until they formed the union and had it recognized.

Back when there was no union, according to the YFLU treasurer, workers could be laid off easily. When a worker committed a mistake, the management would reprimand the worker, and when the worker tried to explain, the management would suspend him or her without pay. But most of the time, workers were suspended even if the mistakes were reasonable. Workers always experienced harassment from their supervisors or from the management. Now, the workers have a bargaining power, they cannot be easily harassed, and their voices are heard, according to the YFLU official.

The YFLU had a collective bargaining agreement (CBA) in November 2011, but it was violated.

But according to the Philippine Labor Code (Article 253-A), "...Any collective bargaining agreement that the parties may enter into shall, insofar as the representation aspect is concerned, be for a term of five (5) years... All other provisions of the collective bargaining agreement shall be renegotiated not later than three (3) years after its execution....In case of a deadlock in the renegotiation of the collective bargaining agreement, the parties may exercise their rights under this Code." (As amended by RA 6715) (See **Box 2**)

In January 2013, the management implemented the CBA. On February 22, the YFLU officers were called to a meeting set on February 26. But on February 23, at around 11:00 in the evening, the workers heard a grenade explosion. Policemen and media people came. When the Pantaron village chief was interviewed, he insinuated that the explosion could be from the union members because there was a dispute between the management and the union. On

Box 2.

According to the Labor Code of the Philippines, separation pay may be computed based on the terms provided in the employment contract, company policy, or collective bargaining agreement. Company practice may likewise be used as basis for computation, if such practice has been established for years and has already ripened into a demandable right. In the absence of contract or agreement, or when the existing agreement or policy provides for a lower benefit, separation pay shall be computed based on the provision of the Labor Code. The amount of separation pay under the Labor Code depends on the following factors:

1. The employee's last salary;
2. The employee's length of service;
3. The reason for employee's separation from service.

Employee's last salary

The employee's last salary refers to the salary rate of the employee at the time of his termination from service. It determines the basis to be used in the computation of separation pay. For employees receiving salary below the minimum wage, the separation pay shall be computed based on the minimum wage in effect at the time of separation from service. In addition, the employee affected is also entitled to payment of salary differential equivalent to the difference between the employee's actual salary and applicable minimum wage.

Employee's length of service

Employee's length of service refers to the duration of time that the employee has been under the employ of the same employer or company. It is computed beginning from the time of his engagement up to the date of his termination. A fraction of at least six months shall be considered as one whole year. However, only the employee's last continuous years of service should be considered in the computation (See Carandang vs. Dulay; Also Sta. Catalina College vs. NLRC; Phil. Tobacco Flue-Curing vs. NLRC.)

The reason for the employee's separation from service

The reason for the employee's separation from service is an important factor in the computation of separation pay. The amount of separation pay may vary depending on the specific ground relied upon for the termination.

- An employee terminated based on installation of labor-saving devices or redundancy is entitled to at least one-month salary or to at least one-month salary for every year of service, whichever is higher. (See Article 283, Labor Code)
- For termination based on retrenchment to prevent losses and closure of business, the employee affected is entitled to at least one-month salary or ½-month salary for every year of service, whichever is higher. (*Ibid.*)

- An employee terminated based on installation of labor-saving devices or redundancy is entitled to at least one-month salary or to at least one-month salary for every year of service, whichever is higher. (See Article 283, Labor Code)
- For termination based on retrenchment to prevent losses and closure of business, the employee affected is entitled to at least one-month salary or 1/2-month salary for every year of service, whichever is higher. (*Ibid.*)
- An employee terminated for health reasons (disease) under Article 284 should be paid separation pay equivalent to at least one-month salary or to at least one-month salary for every year of service, whichever is higher.
- In case of illegal termination, separation pay in *lieu of reinstatement* has been consistently computed at one-month salary for every year of service.

Minimum Separation Pay

The minimum separation pay that may be given to an employee therefore is one-month salary. This is actually consistent with the phrase “at least one-month salary”, which simply means that the separation must not be less than the employee’s one-month salary.

February 24, an army from 103rd brigade arrived and stayed in the village until February 25.

On February 26, when the YFLU union members reported for work, the security guards blocked their entry and told them to proceed to the municipal office because the meeting with the management was set there.

In the meeting, the management of Yoshida Farms declared that it was stopping its operation, citing the following reasons: 1) Dollar exchange rate is very low; and 2) The workers have so much debt and owe NEH-Philippines Php1.3 million. NEH-Philippines will take over the operation, according to Yoshida Farms, and it has offered a separation pay where for every three years of service, workers will be paid an equivalent of 15 days salary or a measly Php3,504.

Non-union members accepted the offer, but the YFLU rejected it. The union refused to be deceived. They demanded job security and accused the management of union busting.

The YFLU filed a notice of strike on February 27 and held an election on February 28 where majority voted for the strike. The union had series of negotiations with the management of Yoshida Farms since March 4, but no agreement was reached. On the March 6 negotiations, Yoshida Farms presented to the YFLU some documents regarding their loans payable amounting to Php32.4 million –

to NEH-Philippines (Php13 million), Planters Bank (Php13.7 million, El Grande Multipurpose Cooperative (Php1.9 million), and Leticia Ibabao (Php3.8 million). But there were no documents presented stating that the company was closing down.

On March 8, the YFLU staged a strike. The union was filing charges of union busting and claimed that if NEH would take over the farm, the workers will be absorbed as contractual workers and would be paid a daily minimum wage of only Php180. The company also wanted to evade the CBA that was supposed to be effective for 5 years, according to the union.

On April 10, the union had another negotiation with the company. Present in the meeting was the Yoshida Farms' so-called new management, namely Mr. Romero from Gapadaro; Mr. Daungcay, quality inspector from NEH-Philippines; and Leo Ibabao, manager of Yoshida Farms. Again the negotiation reached a deadlock.

The union learned that NEH would lease 48 hectares of lands with Yoshida Farms but would sublease the same to Mr. Romero and Mr. Daungcay. As of this writing, the strike is ongoing. The union members are determined to assert their right to job security and organization. Meanwhile, the KMP-SMR is also determined to organize the agricultural workers.

Conclusion

Majority of the people in Pantaron village depend on land and agriculture, but the entry of Yoshida Farms, NEH-Philippines and other local and foreign corporations has facilitated corporate control of the resources of the village and turned the farmers into agricultural workers.

The entry of foreign investments is supported by the Philippine government which also facilitates agribusiness land deals. This is happening because the government is implementing liberalization, deregulation and privatization of the economy, making it equally responsible for land grabbing by Yoshida Farms and NEH-Philippines, which is done through 'growership' and 'leasehold schemes'. This situation has further aggravated landlessness, food insecurity, poverty, and loss of livelihood.

The farmers and agricultural workers have demonstrated the necessity of organizing themselves and educating all the people to wage the struggle for genuine agrarian reform. The continuing foreign control of farmers' lands in Pantaron village highlights this political necessity and the urgency of genuine land re-distribution and re-orienting production planning for the full benefit of the local community and society.

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- iii. http://edgedavao.net/index.php?option=com_content&view=article&id=1465:estela-other-town-mayors-nix-ban-on-aerial-spraying&catid=37:agri-trends&Itemid=56
- iv. <http://www.nehphil.com/Newsfax/2007/NewsfaxWeek21.pdf>
- v. <http://www.nehphil.com/Newsfax/2009/NewsfaxWeek31.pdf>
- vi. Deininger, Klaus; Derek Byerlee (2010). Rising Global Interest in Farmland: Can it Yield Sustainable and Equitable Benefits?. The World Bank.
- vii. Padilla, Arnold (2011). New Year, New Hope? <http://arnoldpadilla.wordpress.com/tag/ppp/>
- viii. Zambrano and Gruba Law Offices (www.zglaw.com) of Manila, Philippines
- ix. http://www.davaodelnorte.gov.ph/index.php?option=com_content&view=article&id=147&Itemid=135
- x. Peasants brace for the effects of Aquino's public-private partnership program 11/05/2010
- xi. Guzman, RosB , "Global Land Grabbing, Eroding Food Sovereignty", December 2010
- xii. Echanis, Randall, "Semi-feudalism and Agrarian Revolution in the Philippines", April 2012

Malaysia

Case documentation of Kebuaw and Ilas River on the violation of Native Customary Rights

This case documentation was researched and written by indigenous community leaders of Kebuaw in Sibü (Sarawak, Malaysia).*
This version is a translation from the original Bahasa Malaysia text.

Background and history of Ilas River

The history of Ilas River traces back to a common ancestor called Tusin, who was succeeded by his nephew Dasun, who in turn was succeeded by his son Reh, and finally succeeded by Munan who eventually settled in Ilas River in his lifetime. At that time, there were other Melanau who have emigrated earlier from Tanam village to this Kebuaw village at the opposite side of upper Kebuaw river, which was first created by our ancestor, who went by the name of Alek, now passed on to his son, Udi. Over the course of time, this family has mixed and married locally, and some married to people from other villages. As the number of families increased, they decided to split and created their new villages as Kampung Baru Sungai Sah (New Village Sungai Sah) and Kampung Gudang (Gudang village). Udi's sister named Grandmother Dayang married Saong from Kampung Sungai Kut (River Kut village), who also moved to Kampung Baru Sungai Sah.

Jugei Bin Belagiau is the current village chief of Kampung Baru Sungai Sah. Grandfather Munan married Grandma Sedipan, also from Melanau family, who emigrated from Kampung Tanam to Kampung Kebuaw and eventually had nine children. One of their daughters was named Buko, married to Gasan, who was also from Kampung Tanam and moved to Kebuaw village. They have five children, all of whom are boys, and one of them is known as Sumen. Finally

* Melanau communities of Kebuaw Village and Iban communities of Ilas River made this documentation in collaboration with Sarawak Dayak Iban Association (SADIA). Mr. Sumen Bin Gasan wrote and collected information for this documentation with support from Mr. Unggang Anak Belum, Nicholas Mujah and Matek Geram. Aid Environment, SADIA and Pesticide Action Network Asia and the Pacific (PAN AP) provided the training on documentation and mapping to Kebuaw community.

Building Community Resistance Against Land Grabbing

at the end of 2003, all of the original settlers have moved to the mouth of Ilas River while some moved to Kampung Kebuaw.

Along the Ilas River there are three deep spots, and one of them was named after Lubok Dasun to commemorate him as one of the natives there, while the other two deep spots were named Lubok Meramat and Lubok Holek. Lubok Meramat was formerly known as Lubok Mohamad; Mohamad was derived from Müden village. He has created a piece of land to cultivate rice near the mouth of Ilas River. Another deep spot was named after Lubok Holek to commemorate him as one of the original settlers who eventually moved down to the mouth of Igan River and settled at Muara Igan village.

Original crops cultivated from ancient times until now are paddy rice and sago, while other forms of livelihood include hunting wild animals, fishing by means of hooks with bark lining string, installing traps and tapping rubber trees, *jelutong* trees for the latex to be taken and sold. Some are actually still being done until now such as hunting wild animals and installing traps.

History of the migration of the Iban communities to Ilas River

In the early days, Iban communities practiced nomadic life looking for fertile areas. Making a living was easier as there were lots of fish and wild animals, according to Mr. Limbang Son Anyau (still alive until now), initially from Kanowit and moved to Pasai River. The Ibans led by Temenggong Kuk initially and temporarily migrated from a village along Pasai Siong River, by means of raft, to two villages called Teluk Rubat and Kampung Gudang, which is located in the Upper river of Kampung Kebuaw.

This village was named Kampung Gudang as there was a warehouse for storing sago flour (*lomentak*) built by the Chinese in mid-18th century. The migration was welcomed by the Melanau communities on the condition that they should provide mutual tolerance and respect, and safeguard the unity amongst the communities, cultures and customs, respectively. Later, they moved to Kampung Baru Sungai Sah and eventually moved to the estuary of Ilas River, led by village chief Rantai anak Mang, who came from a village of Banyok River, while some moved to the area of Bekumah River at the end of the reign of Rajah James Brooke. He was the successor of village chief Nyalung, soon taken over by village chief Cagui. The village chief position was then replaced by village chief Mangai who was appointed by the communities way before the Japanese occupation.

The order of descendants begins with village chief Mangai, then his daughter Sambai, then to her son with Juan, Nanta. Her daughter Nangkuk married a Melanau man and had a son by the name of James Bin Awat, the lineage continuing eventually to his son Richard James (still alive until now). When village chief Mangai died, he was succeeded by village chief Bujang for two years, who was then succeeded by village chief Bangit.

However, there is another longhouse in the same area which is under village chief Liang and later succeeded by village chief Itang. The occupants of the said longhouse eventually split into two communities. One is under village chief Morris and the other community is under village chief Diana who still exists. The main crops cultivated are paddy rice and sago. Planting fruit trees and other forms of livelihood are similar to what Melanau communities are engaged in such as hunting wild animals, installing *belukak* (traps), fishing and collecting rubber latex or taping *nyelutong/jelutong*.

On the arrival of the British in the 1930s, the clearing of several parcels of land in order to plant rubber trees commenced, while at the same time the Iban people here have consulted with those Melanau communities of Kampung Müden to grow rice near their area. Iban communities continue to farm their lands after they had come to mutual terms until around the year 1963, although this activity is gradually being discontinued. Currently there are four longhouses around the mouth of Ilas River and these longhouses are of Rumah Bangit, Janting, Diana and Suwai, with a total population of about 550 people.

Their main source of living is cultivating sago trees, while other sources are hunting wild animals, capturing marine lives with nets, trawling, fishing nets, installing traps, and growing rice, fruits or vegetables.

Kebuaw Village and Kampung Baru Sungai Sah are about three and a half miles (5.6 kilometers) away from Sungai Kut, Batang Igan (Igan river), of Dalat District in Mukah Division, Sarawak. The residents of these two villages in the olden days practiced traditional beliefs (Melanau Liko or pagan) and now with a total household of 123 families with the entire population of around 720 people. About 70% are Christians, with 25% of the population still practicing their traditional "Melanau Liko or pagan" customs, while 5% are Muslims due to marriage with Islam communities outside of Kebuaw village.

At the same time, the Melanau communities here are also mixed with the Dayak Iban communities of four longhouses, where they have a very good relationship as brothers and sisters despite their differences in culture, customs, traditions and beliefs. They are respectful of each other and they help each other in times of need, regardless of the occasion: death, gatherings, Gawai Dayak festival, Christmas and Kaul Festival for Melanau communities. They also share Customary Land Rights (NCR) ancestral territorial domain or *Guun Kinah* in Melanau language.

The communities here are way behind development, particularly in public facilities such as electricity, water and roads. Their only means of transportation is by boat. The four longhouses of Sungai (river) Ilas share a common boundary with Müden village based on the centre of the river where water split into two directions, flowing toward the river mouth. This place is known as the Rogda River. The total area for all these villages is approximately 6,000 hectares.

Building Community Resistance Against Land Grabbing

Four of the abovementioned Dayak Iban longhouses belong to Rumah Bangit, Janting, Suwai and Diana, which are situated at the mouth of Ilas River, Batang Igan Ilas, Dalat District, Mukah Division. But all the residents of Rumah Diana were not able to participate in this case as they had sold off their native customary right lands (NCR) to the company.

The residents of the other three longhouses comprising Dayak Iban community consist of 51 families (household) with a population of about 550. About 60% are Christians, 38% still practice their traditional Dayak Iban beliefs and customs, and 2% practice Islam. They have very harmonious social life.

Generally, the current community leaders of indigenous peoples have no power to make decisions and adjudicate cases concerning the native customary rights (NCR). The hierarchy of community leadership follows this order: Temenggong, Pemancha, Penghulu (Headman) and Village Chief. And because of that, all NCR cases now have to be tried in Civil Court (High Court) in the State of Sarawak.

What is so obvious is that the Native Court in Sarawak now has been politicized by the government. We also experience this every time an outsider or even the capitalist encroaches into the NCR lands, where the authorities are always blaming indigenous peoples.



Kaui Festival of Melanau communities in Sungai Kut takes place every 2 June.



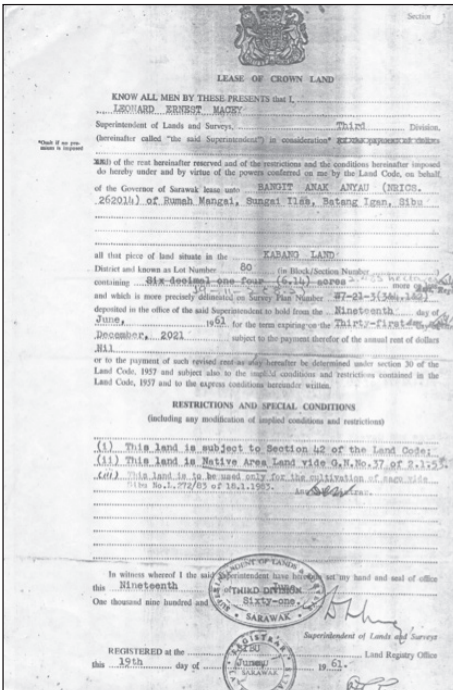
The annual Gawai Dayak Festival of Iban communities in Sungai Ilas takes place every 31 May (Traditional Ritual Ceremony of the Iban communities).



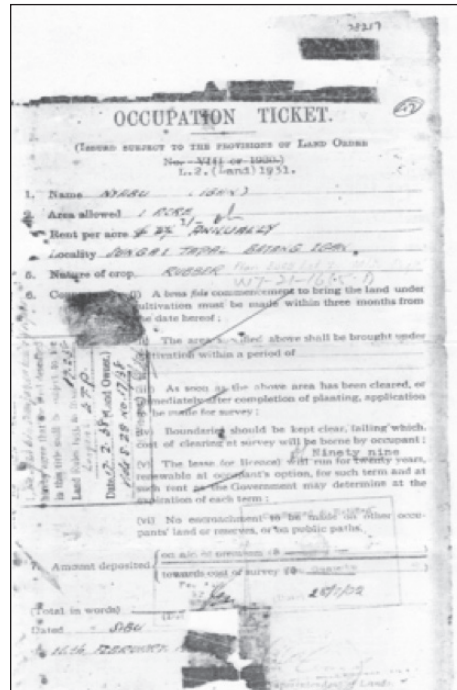
Current Iban traditional wedding. (3.6.2012)

Recognition by the British Government

During the colonial time, the British showed much respect toward native customary rights of the indigenous peoples. They do not encroach or invade NCR lands. They even released or issued a grant or title to these lands either individually or in groups, and recognized territorial domains. One of the evidence grants or titles of NCR is still in our custody to this date, located within the kampung Kebuaw and Ilas River, Batang Igan.

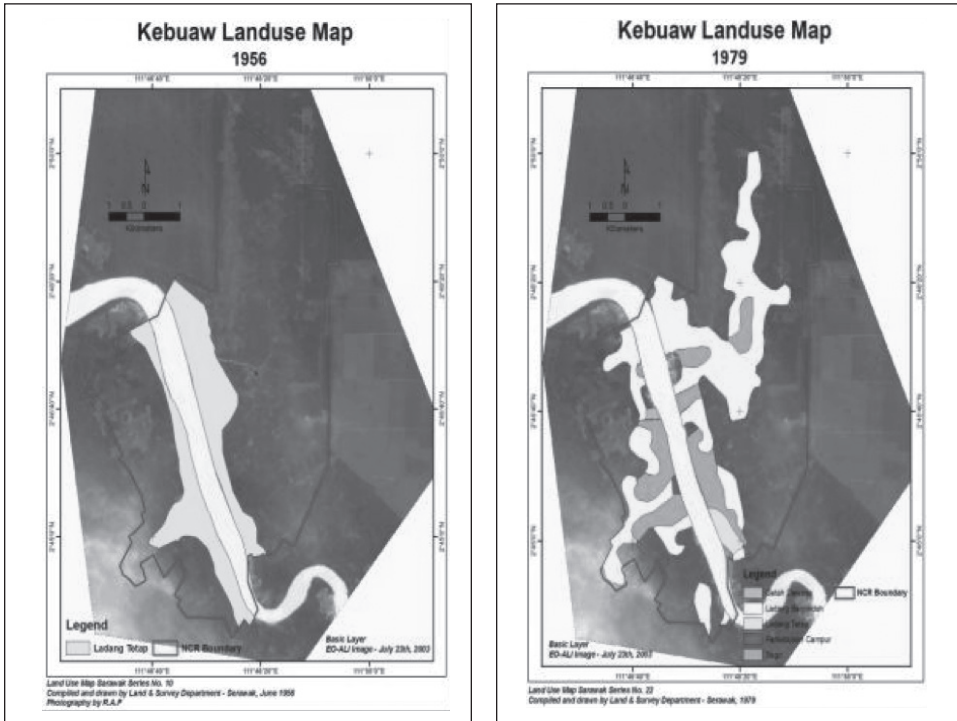


Land title issued by the British Colonial dated 19 Jun 1961 to Bangit Anak Anyau. The land is situated at Tanjung Balau.



Quit rent of the customary right land (NCR) the payment is made at the Resident office of Sibü Division dated 17 February 1938 by our grandfather Nyabu Bin Semun. It was registered in 1931.

Based on the common map plotted in 1956 by the Sarawak Land and Survey Department, according to the aerial photograph of the Royal Air Force (RAF) in 1950, a part of the area of Kebuaw and Ilas River has been cleared by the indigenous peoples for farming. If we compare with the map plotted in 1979 by the Sarawak Land and Survey Department, based on aerial photograph Royal Air Force (RAF) in 1968, most of the area of Kebuaw and Ilas River after 1956 transformed into a wide variety of class/type of cultivation such as sago cultivation, mature rubber trees, shifting cultivation farms, permanent cultivation and inter-cropping gardens.



Comparison of the two maps of Kebuaw areas in 1956 and 1979

River Ilas/Kebuaw during the Malaysian Government/State of Sarawak

Ever since the government was established in the State of Sarawak, we, the villagers of Kampung Kebuaw, residents of longhouses in Ilas River, Batang Igan, were only able to enjoy a wooden walkway project (*titi*), water tank (for storing drinking water), primary school building, 5 housing units, 2 boats and 2 units of outboard engines.

The wooden walkway is only a small project, while free housing projects for the poor were given to only five eligible families in Kampung Sungai Kebuaw and Kampung Sungai Ilas. Similarly, boats and engines were given to only two families from our areas that were considered eligible.

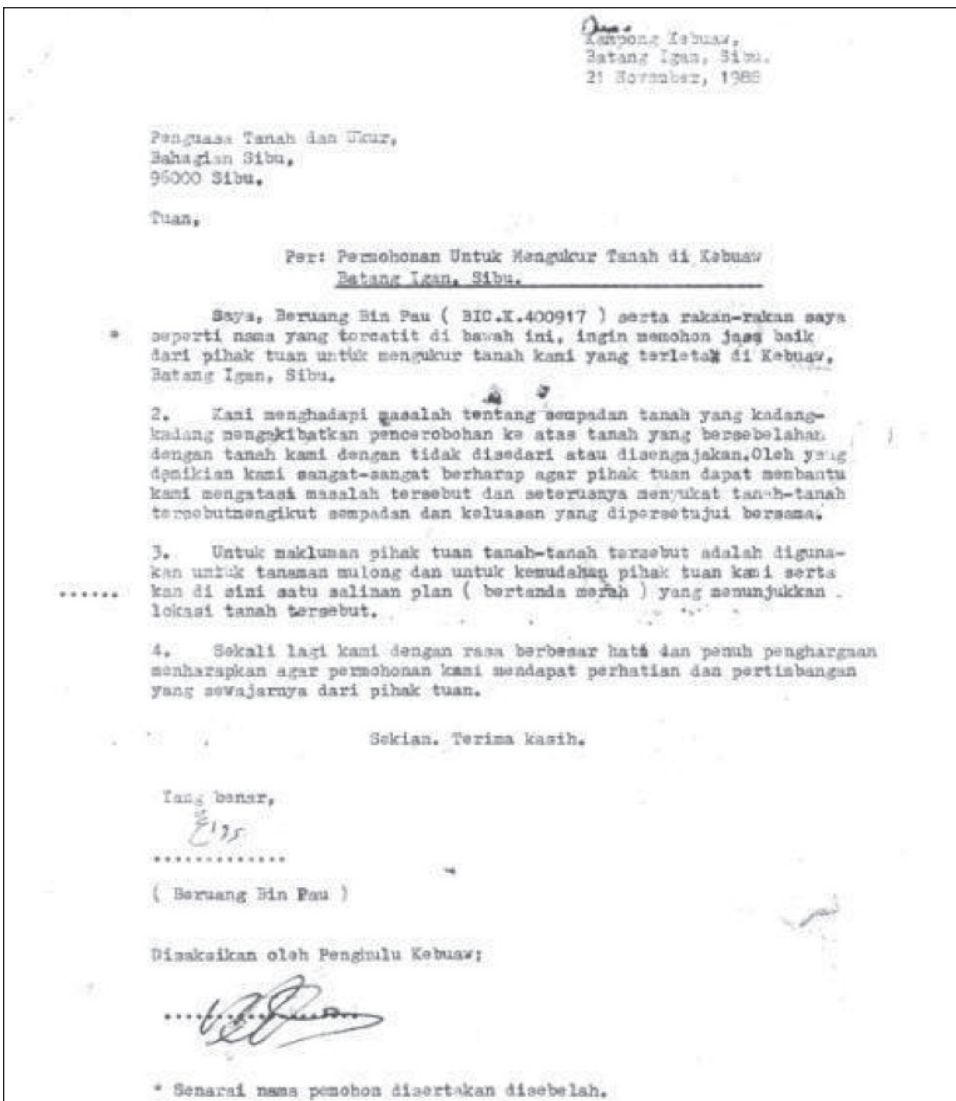
The government is not concerned about the needs and welfare of the Melanau communities of Kampung Kebuaw and the Iban communities of four longhouses in the Ilas River. Similarly, the State Government of Sarawak does not respect the NCR of indigenous peoples in the area. They also do not implement what has been agreed by the Government of Malaysia with the UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples).

Building Community Resistance Against Land Grabbing

We sent a letter of application to the Department of Land and Survey of Sarawak to request for demarcation of our lands and for them to issue us the grants, but they turned down our application.

Our applications were tendered as early as the 1980s, and copies of these applications are still in our custody as proof of our continuous efforts at appealing to authorities, the letters dating as far back as 21 November 1988 and 18 January 1991.

However, their responses indicate that we are not eligible. Some of the correspondences are attached below as proofs:



Above is our letter of application dated 21 November 1988.

Documentation of Cases in Selected Communities in Asia
Indonesia, Sri Lanka, Pakistan, Malaysia and the Philippines

Rumah Bangit ak. Anyau,
Sungai Ilas, Batang Igan,
P.O. Box 1404,
96008 Sibü,
Sarawak
18th January, 1991

Director,
Land and Survey Department Hq.,
Kuching

Dear Sir,

Application for land
=====

Sago is an important cash crop now and we, the Ibans from Sungai Ilas, Batang Igan, Sibü, Sarawak, Malaysia, wish to plant and cultivate the said crop. We shall start the cultivation soon.

I, an attorney to Ibans who inhabited the Sg. Ilas area, Batang Igan, Sibü, Sarawak, wish to apply for land located at Forest Reserve at Sg. Ilas, to cultivate sago.

For better identification, please refer to the map attached. The said land is delineated red on the map attached.

Your consideration is very much appreciated.

Thank you.

Yours faithfully,

Bangit
..... TR. BANGIT AK. ANYAU
(Tuai Rumah Bangit ak. Anyau) SG. ILAS,
K.329791 BtG. IGAN,
SIBÜ


cc Resident, Resident Office, Sibü
District Officer, District Office, Sibü
Section Forest Officer, Forest Department, Sibü

Above is another application letter dated 18 January 1991.

Building Community Resistance Against Land Grabbing

Telefon:
Telegraf: LANDS

Rujukan Fail: 6/AL.Sibu 3/88
Surat Tuan:



JABATAN TANAH DAN UKUR.
S I B U . SARAWAK,
MALAYSIA.
28 Disember 1988

Encik Beruang b. Pau dan rakan-rakan,
C/o. Geransi S. Alip,
Jabatan Tanah dan Ukur,
96000 Sibu.

Tuan-tuan,


Permohonan Tanah di Kebuaw Btg. Igan, Sibu

Saya merujuk kepada surat tuan bertarikh 21.11.1988 mengenai perkara yang tersebut di atas.

2. Adalah disimpulkan bahawa permohonan tuan sedang menerima perhatian dan tuan akan dihubungi lagi apabila keputusannya dicapai nanti.

"BERSATU BERUSAHA BERBAKTI"

Yang benar,


(Ong Kho Lai)
b/p. Penguasa Tanah dan Ukur,
Bahagian Sibu.

WVC/MIB


This is the response from the Department of State Lands and Survey dated December 28, 1988. The authorities did not take action.

Documentation of Cases in Selected Communities in Asia
Indonesia, Sri Lanka, Pakistan, Malaysia and the Philippines

Telefon:
Telegraf: LANDS

Rujukan Fail: 2/9-2/8(5)

Surat Tuan:



JABATAN TANAH DAN UKUR
96109 SARIKEI, SARAWAK
MALAYSIA
10. 2. 19. 92

Tuai Rumah Bangit ak Anyau,
Rn. Bangit,
Sg. Elias Batang Igan,
Sibu.

Tuan,

Per: permohonan untuk menyukat tanah
di Kawasan Sg. Elias dan Kampung
Kebuan Batang Igan

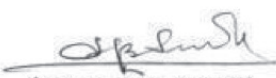
Surat tuan yang bertarikh 16.12.1991 yang
dialamatkan kepada Pegawai Daerah, Matu menerusi saya
berhubung dengan perkara di atas adalah dirujuk.

2. Dengan hormatnya dimaklumkan bahawa tanah
yang dituntut berasaskan hak adat bumiputera biasanya
disukat dan disiasat dengan tujuan mengeluarkan surat
hakmilik apabila tanah tersebut diisytihar di bawah
bahagian V Kanun Tanah Regeri (Bab. 81).

3. Memandang kepada kedudukan tanah yang
dimaksudkan itu tiak termasuk dalam sebarang kawasan
penyelesaian yang sedia ada, maka dukacita dimaklumkan
bahawa permohonan tuan tidak dapat ditunaikan pada
masa sekarang. Namun demikian, permohonan tuan telah
dicatat untuk pertimbangan di masa akan datang.

"BERBATU BERUSAHA BERBAKTI"

Yang benar,


(USMAN BIN PEROSH)
b.p. Penguasa Tanah dan Ukur,
Bahagian Sarikei.

This is the response from the Department of State Lands and Survey dated 10 February 1992. There was also no action taken by the authorities.

Building Community Resistance Against Land Grabbing

We also have concrete evidence from the government, where a logging company was fined according to customary laws for trespassing into the sacred burial site of the Iban and the Melanau communities. The said site is situated at the mouth of the Sungai Anak Besar, a tributary of Ilas River, after we filed a suit of Trespassing Ilas River Cemetery on 11 January 1998.

There were authorities concerned about this burial site of Ilas River case, such as the State Government Department, the Police Department of the KPD Matu/Daro branch. On 21 January 1998 the company was fined with RM 3,000 for the offense. The company being referred to is the Hua Seng SDN BHD. The correspondence is attached in the following pages.

The Entry of the Company

At first, the government has released licenses to a logging company. The logging company then began operations in the NCR lands in 1993 and continued until 2005. They held operations for 12 years. Now our ancestral domain is gone.

On 28 November 2010, we came to know that the company, Sarananas Sdn. Bhd. had encroached into our NCR lands. We tried to stop and prevent them from continuing clearing activities on our ancestral lands on the same day. We built up a blockade to stop the company from entering, but they refused. At the same time another company encroached into our ancestral domain: Pelita Holdings Sdn. Bhd. Kebuaw Village Community and the Community Longhouses Sungai Ilas were shocked with the discovery of this second company.

On 27 January 2011 we were called to attend a dialogue with the Department of Land and Survey (DLS) – Mukah Division, at Igan Sub District Office, where we were informed by officers from the DLS, Mr. Bujang Raden that PL (Provisional Lease) of Lot 271 Block 56 has been issued to the Sarananas Sdn. Bhd. with an area of 2,517 hectares.

The dialogue was attended by an officer of the DLS who then told us that we have no rights over our native customary rights lands as the PL has already been issued to the said company. The affected areas are our gardens, former sites of our old house (*Tembawai*), rice paddies (*temuda*, *pengerang*), and our reserve forests.

Encroachment by Sarananas Sdn. Limited Company

Sarananas Sdn. Limited company is engaged in large-scale oil palm plantation in the area of our NCR lands. The company obtained approval from the State Government to commence palm oil plantations in Blk 56 Lot 271 with an area of 2,517 hectares, for a period of 60 years, beginning 3 September 2008 until 3 September 2068. The main shareholder is Roziah Mahmud, the sister of the

En. Lopen bin Jerit
Tuai Rumah Bangit,
Sg. Ilas, Igan.

Tarikh: 11 Januari 1998

Kepada sesiapa yang berkenaan,

Tuan,

Saman Muafakat Menceroboh Tanah Perkuburan Sg. Ilas, Igan

Dengan ini diberitahu pihak yang dituduh (En. Albert Muntill bin Apin dan En. Lau Pun Choi) berkaitan dengan perkara di atas telah bersetuju secara Muafakat untuk membayar Hukum Denda mengikut Adat Istiadat Orang Iban sebanyak RM 3,000 (tiga ribu ringgit) di atas kesalahan menceroboh serta merosak Tanah perkuburan kami di Sungai Ilas pada 25 disember 1997 yang lalu. Jika berlakunya perbuatan sebegini lagi maka pihak kami akan mendakwa kepada pihak Atasan.

Sekian, Terima Kasih.

Saya yang benar,



(Lopen bin Jerit)
AJK Rumah Panjang
Sg. Ilas, Igan.

Disahkan benar oleh:

1) Tuai Rumah Bangit Bangit

2) Tuai Rumah Morris MORRIS

3) Tuai Rumah Anyut ANYUT



This is the proof of the correspondence (pp. 151 & 152).

(REJLI B. SULAIMAN) L/PL 5912
PONDOK POLIS
POLIS DIRAJA MALAYSIA
KUALA IGAN
08000 SIBU

TR Bayat abt Anyan
Diana -
Jupin B. Jirit .

20/1/98

Tuan.

Per: penyerahan wang tunai

Adalah saya diarah oleh Tuan kpd
Mati/Daro berhubung dengan perkara
diatas pada 21/1/98 jam 930 pagi
di pejabat pondok polis Igan.

Setian untuk makluman dan perhatian
Tuan Tuan .

Rej
(Rejli Sulaiman)

Chief Minister of Sarawak, Taib Mahmud. Please refer to the attached extract of particulars of Sarananas Company from Malaysian Commission of Companies.

The second company that encroached into our customary rights land, Pelita Holdings Sdn. Bhd., a company engaged in sago plantation, had invaded our ancestral lands with an area of 3,772 hectares. We have no details of the information on the second company because we have no means to access such information or we are forbidden to get the particulars of the said company.

Once we knew that our NCR lands had been encroached, we held another emergency meeting amongst our fellow indigenous peoples. In this meeting, we managed to set up the Steering Action Committee of Customary Lands of Kebuaw Village, Kampung Baru Sungai Sah Kebuaw and four longhouses along Ilas River. Bangit's longhouse is located along Ilas River, Batang Igan. That was in the year 2011. The list of the committee members is shown on the next page.

We erected blockades three times to stop the company from further encroaching into our native land which is located in the Upper Ilas River. The company also destroyed our sago palms. There were hundreds of indigenous peoples who own the native customary lands and who took part in the blockade, to demand for the immediate cessation of operations and leave the areas of our ancestral territorial domain.

We lodged three police reports but there was no action taken by the police.

We had a dialogue with the company twice, but no resolution was reached. Even without our consent as indigenous peoples, the company decided to continue their destructive operations. Unfortunately, we did not have the minutes of the said dialogue.

The company violated our rights by encroaching into our native customary right lands and the traditional ritual custom (*Piring pangul*) of the Dayak Iban societies and *Simah* of the Melanau communities. The government also violated our rights by releasing provisional leases over our NCR lands as well as the titled lands of individuals that have been recognized by the British colonies decades ago. The government did not conduct field investigations (Land Inquiry) before approving provisional leases.

As far as we are concerned, they never conduct environmental studies or EIA reports before commencing oil palm plantation operations. They also carry out activities outside the bounds, such as closing down the channel of the Drainage and Irrigation Department and also part of Ilas River that has been there for decades. There was no compensation receipt from the company.

The company also damaged our protected grounds, such as former old house sites (*Tembawai*), water springs, hunting areas, and the areas where we collect rattan, timber and tapping *jelutong* or rubber gardens. Finally, the existence of the company has caused destabilization and division among the local communities.

Building Community Resistance Against Land Grabbing

We demand that the indigenous native customary rights (NCR) lands be recognized by the State Government, and for the company to immediately cease operation and leave our ancestral lands.

We also demand that the existing government treat with serious concern the rights of indigenous peoples.

	<p>JAWATANKUASA TANAH SG. ILAS/KAMPUNG KEBUAW, DAERAH KECIL IGAN, 96400 MUKAH.</p> <p>No. H/F: 0194694071 E-mail: lopenbinjirit@gmail.com</p> <p>Ruj. Kami: 1/01/JKTSIKK Tarikh: 11 APRIL, 2011</p>
<p>Penasihat: TR Bangit</p> <p>Timb. Penasihat KK Jugi</p> <p>Pengerusi: Sumen bin Gasan</p> <p>Naib Pengerusi: Balau anak Mit</p> <p>Setiausaha: Joseph bin Sirai</p> <p>Pen. Setiausaha: Unggang ak Belon</p> <p>Pendehari: Apeng bin Udi</p> <p>Pen. Bendahari: Jemat bin Mang</p> <p>AJK: TR Janting ak Agar TR Suai Atin bin Gerudang Supin b Gerudang Lau ak Jam Das b. Mabut Lopen bin Jirit Saling b. Sanyut Lang ak Bilun Morni b. Sitan</p> <p>Juruadit Dalam: Haslina bt Alau</p>	<p>Yang Berhormat Datuk Amar Awg. Tengah Ali Hassan, Menteri Perancangan dan Pengurusan Sumber Kedua Sarawak, KUCHING.</p> <p>Yang Berhormat,</p> <p>MEMOHON PENGUKURAN KELILING DAN PEMBERIAN HAK MILIK TANAH DI KAWASAN SG. ILAS DAN KPG. KEBUAW, BTG. IGAN.</p> <p>Kami yang bertandatangan di bawah, mewakili para peneroka tanah di kawasan Sg. Ilas dan Kampung Kebuaw, Btg. Igan, Mukah, dengan ini ingin memohon perkara tersebut di atas seperti yang sedang rancang di jalankan di kawasan-kawasan lain di negeri Sarawak. Sila rujuk Lampiran I dan Lampiran II.</p> <p>2. Ini adalah untuk memastikan tanah-tanah tersebut menjadi hakmilik kami yang telah mengusahakan tanah-tanah ini sekian lama sehingga kebanyakan daripadanya telahpun mengeluarkan hasil walaupun dalam rekod Jabatan Tanah dan Survei ianya masih kosong sehingga kami difahamkan ianya telah memberi kawasan tersebut kepada sebuah syarikat swasta.</p> <p>3. Subkontraktor kepada syarikat tersebut telah "menceroboh" kawasan yang kami telah usahakan dan telah menebang tanaman kami tanpa mengira tanaman-tanaman tersebut telah mengeluarkan hasil. Ini telah menimbulkan masalah dan ketegangan telah berlaku di antara subkontraktor tersebut dengan pihak kami. Ini telah menjadi kes polis.</p> <p>4. Tanah-tanah ini telah kami usahakan dengan bantuan :</p> <p>4.1. Jabatan Parit dan Taliair yang telah membuat 5 buah parit dan taliair;</p> <p>4.2. Jabatan Pertanian yang telah memberi subsidi kepada beberapa orang daripada kami.</p> <p>5. Tanah yang kami pohon untuk diukur ini memang sudah ditanam dengan rumbia dan tanaman-tanaman lain dan kebanyakan daripadanya telah pun mengeluarkan hasil bukannya dalam proses untuk diusahakan.</p> <p>6. Adalah menjadi harapan kami bila ianya mengeluarkan hasil sepenuhnya kelak ia mampu memberi pendapatan yang lumayan sehingga membolehkan kami mendapat pendapatan sederhana sejajar dengan kehendak kerajaan bila negara kita mencapai tahap negara maju menjelang tahun 2020 kelak. Jika hanya mengharapkan dengan bekerja sebagai buruh di ladang yang dicadangkan itu, sampai bila-bila masa pun</p>

List of committee members is recorded on the left.



Open burning by Sarananas Sdn. Bhd. Spread into the lands belonging to the villagers, destroying the sago palms.



Damages done by Sarananas Sdn. Bhd.

Building Community Resistance Against Land Grabbing



Police personnel interference in favor of Sarananas Sdn. Bhd.



Impacts of encroachment of Sarananas Sdn. Bhd.



N 02 49' 46.4" E111 48' 20.6"(Point GPS). Ilas River is badly damaged due to road construction by Sarananas Sdn. Bhd., which blocked the river.

Annex

Research Design

Documentation of Land Grabbing Cases in Selected Communities in Asia

Overall objective:

(This is the main problem (topic) of the research to be conducted by the selected communities and their assigned researchers.)

To document the extent of land grabbing in selected countries by looking at the general circumstances of the phenomenon as well as its specific effects.

Specific objectives:

(These are the major sections of the main research problem, which if covered completely will achieve the overall objective.)

1. To describe the current the level of ownership and control of the selected communities over the land and natural resources
2. To describe the circumstances and manner that the land is being grabbed
3. To identify the impacts of land grabbing on the selected communities
4. To elaborate the ongoing resistance and organization of the communities against land grabbing

Building Community Resistance Against Land Grabbing

Variables:

(These are the data or information that have to be gathered in order to fill in the major sections. Each specific objective has its own set of variables. Take note that in this design, variables appear in the Instruments and Data List provided.)

Methodology:

(This is the set of research methods or ways by which the researchers can gather the variables. Each method makes use of an Instrument (Ins) or a Data List (DL), which contains the variables.)

1. Desk Research (DR)
2. Focus Group Discussions (FGD)
3. Key Informant Interviews (KII)
4. Participant Observation using video and photo documentation (VPD)

Method Matrix

Specific Objectives (SO)	DR	FGD	KII	VPD
Background on ownership (SO #1)	X			
How is the land being grabbed (SO #2)	x	x	X	X
Impacts (SO #3)		x	X	X
Resistance (SO #4)		X	X	X
Instruments (Ins)	DL	Ins #1	Ins #2&3	

DL

(This is for the DR that may include survey of related literature and data gathering from libraries, resource centers, official agencies, news, or internet.)

1. Pre-existing ownership structure, including agrarian reform laws
2. Existing natural resources, mining, forestry, etc. laws, if any
3. Community's use of water, including access to irrigation

4. Community's access to fishing, forestry, mining and mountain areas and resources including seeds and genetic resources
5. Other rural employment and income sources
6. Ancestral domains of indigenous peoples, if any
7. Agricultural workers' jobs
8. Entry points of foreign land acquisitions in the selected cases, including foreign direct investments (FDI) in farmlands and other natural resources, private local investments, private-public partnerships (PPPs) or any form of privatization, government-to-government (bilateral) free trade agreements (FTAs), or direct occupation through militarization and harassment
9. Agreements or contracts between the contracting parties in order to effect the foreign land acquisitions
10. Ultimate source of funding for the foreign land acquisitions, including how much is involved agri-business transnational corporations (TNCs involved), financial institutions cashing in, governments involved, and multilateral agencies
11. Multilateral lending particularly by the World Bank and Asian Development Bank (ADB) to support the foreign land acquisitions and the conditionalities attached to the loans
12. Changes in laws and regulation including agrarian reform programs being done by the host governments to facilitate the land deals

Ins #1

(This is for the FGD. Researchers will have to gather 17 respondents from the community – 5 women who may be mothers or farming themselves; 5 male farmers, agricultural workers or fisherfolk; 2 youth or students; 2 indigenous persons or IP (take note that if the community is IP-dominated then 2 non-IP have to be called upon); and 3 from non-agricultural sector. Some leaders of the community organization should be part of the respondents. Please allocate at least four hours for the FGD.)

1. Do you own the land?
2. Please describe briefly your production and distribution processes.
3. What exactly happened that effected the land acquisition? (Pay attention to details such as military presence, direct occupation by business and private entities, buy-outs of families and households, relocation, demolitions, killings, etc.)
4. Who do you think are involved?
5. In your opinion, do you think that the land acquisition was legal?
6. Was there a community consultation? By whom?
7. Do you think that the land acquisition has entailed human rights violations? Please describe.
8. What has been the impact of the land grabbing on the farmers' production and livelihood?
9. What has been the impact on farmers' land and resource ownership, control and access?

Building Community Resistance Against Land Grabbing

10. What is the impact on the production and livelihood of the agricultural workers, indigenous people, women, and other sectors in the community?
11. What has been the impact on food security?
12. What is the impact of the land grabbing on community and rural development?
13. What is the impact on the environment?
14. What has been the resistance and organization of the community against the land grabbing?
15. Which sectors have been involved in the resistance?
16. What are the lessons learned from the resistance?

Ins #2

(This is for the KII with at least three local government and village officials.)

1. In your knowledge, how is the land being acquired?
2. Is there a signed agreement or contract?
3. How will it be financed?
4. Do you need to change some laws or village rules to facilitate the acquisition?
5. What else does the community need to do to effect the acquisition?
6. In your opinion, is the land acquisition legal?
7. What do you think will be the impact of the land acquisition on the community's development?

Ins #3

(This is for the KII with a mass leader from each of the women's organization, farmers' organization and youth organization.)

1. In your opinion, how will land grabbing affect the life of the community?
2. What is the implication of this land grabbing on food sovereignty?
3. How will it affect community development?
4. What is the particular impact of land grabbing on your sector?
5. Please narrate the history of your organization and your resistance to land grabbing.
6. What are you learning from your experience?
7. How else do you plan to organize and mobilize your organization against land grabbing and for community development?

ABOUT THE PARTNERS

Alliance of Agrarian Reform Movement (Aliansi Gerakan Reforma Agraria or AGRA) is an Indonesian peasant organisation that struggles for genuine agrarian reform. It has a current membership of around 250,000 small farmers, agricultural workers and landless peasants. (agraindonesia12@gmail.com)

Sri Lanka Nature Group (SLNG) is a consortium of 30 organizations working for sustainable development. It facilitates and supports the capacity building of civil society organizations in promoting environmental conservation, social justice and equity. (tkariya32@yahoo.com)

National Fisheries Solidarity Movement (NAFSO) organizes fisherfolks and coastal communities to defend their rights and to bring about good environmental practice in the coastal areas of Sri Lanka. (hermankumara@gmail.com)

Roots for Equity works to fight against oppression faced by communities in Pakistan. Its program focus includes advocating the rights of working children, and the economic and social rights of women. The organization has specific focus on the impacts of globalization on small farmers and landless peasants while giving major emphasis on food sovereignty. (azra.sayeed@gmail.com)

Peasant Movement of the Philippines (Kilusang Magbubukid ng Pilipinas or KMP) is a democratic and militant movement of landless peasants, small farmers, rural youth and peasant women. It has effective leadership over a total of 1.3 million rural people, with 65 provincial chapters and 15 regional chapters in the Philippines. (kmp@kilusangmagbubukid.org)

Sarawak Dayak Iban Association (SADIA) is an indigenous community-based organization championing the rights of the indigenous peoples in Sarawak, East Malaysia. (sadiahq@gmail.com)

ABOUT PAN AP

Pesticide Action Network Asia and the Pacific (PAN AP) is one of the five regional centres of Pesticide Action Network (PAN), a global network dedicated primarily towards the elimination of harm caused to humans and the environment by pesticides and towards promoting biodiversity-based ecological agriculture.

PAN AP's vision is of a society that is truly democratic and culturally diverse, based on the principles of food sovereignty, gender justice and environmental sustainability. PAN AP has developed strong partnerships with peasants, agricultural workers, indigenous peoples, fisherfolks, rural women movements and other small food producers in the Asia Pacific region. Guided by the strong leadership of these grassroots groups, PAN AP has become a strong advocacy network with a firm Asian perspective.

Our mission lies in strengthening people's movements to advance and assert food sovereignty, promote biodiversity based ecological agriculture and the empowerment of rural women; protect people and the environment from highly hazardous pesticides; defend the rice heritage of Asia and resist the threats of corporate agriculture and neo-liberal globalisation.

Currently, PAN AP comprises 108 network partner organisations in the Asia-Pacific region and links with other civil society and grassroots organisations, regionally and globally.

The land rush in the last five years has raised the need to monitor and build country case studies on global land grabs to expose the nature of the phenomenon. This compilation of seven case studies from Indonesia (two cases); Sri Lanka (two cases); Pakistan; the Philippines; and Malaysia provides fresh insights on initial observations made regarding resource grabs that are happening worldwide.

All the compiled case studies have proven that the most compelling issue with land grabbing is food sovereignty. Legality is tilted in favor of foreign investors. Multilateral institutions intervene in national laws. Communities are not consulted; indigenous people are simply driven away from their ancestral lands; and communities' access to natural resources is affected.

But at the same time, the cases also present stories of people's resistance. In varied degrees of organizational strength, the communities have fought back and raised their level of awareness and have provided the inspiration that people's resistance is alive and remains the key factor in asserting human rights and achieving food sovereignty.

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