



OXFAM

UNEARTHED:
LAND, POWER AND
INEQUALITY
IN LATIN AMERICA



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“ The Commission is concerned that human rights are increasingly perceived as an obstacle to economic development when in fact they are its precondition. ”

Inter-American Commission on Human Rights (2015)
*Indigenous Peoples, Afro-Descendent Communities, and Natural Resources:
Human Rights Protection in the Context of Extraction, Exploitation,
and Development Activities*, December 31, 2015



PROLOGUE

Inequality in Latin America cannot be reduced without addressing the challenge of land distribution, and its relationship with the rights of the poorest and most excluded population groups in the region.

Land distribution is a historical structural problem in Latin America; for two centuries, this issue has caused more wars, population displacements, social conflicts, hunger, and inequality than any other. “The land belongs to those who work it,” was the rallying cry of Emiliano Zapata during the Mexican Revolution. Land distribution was also the issue that gave rise to the internal armed conflict in Colombia more than half a century ago, and gave birth to the Landless Workers’ Movement in Brazil in 1970.

For over 50 years, Oxfam has been supporting indigenous and farming communities in Latin America and the Caribbean to defend their lands and territories so that they can feed themselves, send their children to school, protect natural resources for their children and future generations, and live according to their cultures. Many of those families and communities now live under the threat of being evicted to make way for huge soybean, oil palm or sugar cane plantations; hydroelectric dams; or gold mines. The situation has deteriorated over the past five decades, with a rise in human rights violations.

For five years, we have been denouncing the effects of land grabs, and the acceleration of land concentration. In Paraguay, compounded by a lack of state support, this has resulted in 585,000 people being forced to leave the countryside over ten years. A similar situation has been seen in other countries.

In addition, we have launched three international campaigns drawing attention to iconic cases that reflect the widespread reality of communities facing dispossession of their lands: the Polochic Valley in Guatemala, Curuguaty in Paraguay, and, most recently, Loreto in Peru.

A year ago, Oxfam published a report, *Privileges that Deny Rights*, which set out our concerns about inequality in Latin America and the Caribbean, the most unequal region in the world. In it, we outlined the challenges of the economic model known as “extractivism”. This report pursues that discussion further, and looks more closely at how promoting the large-scale extraction and exploitation of natural resources is affecting access to—and control over—land. It also analyzes how economic elites use their power to influence political and regulatory decisions that bolster their land-related interests and ensure that the corresponding benefits are distributed in their favor.

With this report, we want to highlight the importance of addressing the challenge of inequality through land distribution. The figures presented here are alarming, and reflect a reality that will undoubtedly lead to an intensification of violence and the undermining of democracy. One percent of farms occupy more than half of productive land. In other words, that one percent holds more land than the remaining 99 percent. This situation cannot pave the way to sustainable development for either countries or their populations.

At Oxfam, we believe that the levels of inequality found in this region can only exist in democracies that have been hijacked. As we have highlighted in our Even It Up campaign, to which this report contributes, the more inequality grows, the less trust people have in the democratic system. The quality of democracy is at stake, as indeed is its very continuation.

Latin America and the Caribbean, along with the rest of the planet, are facing times of upheaval and uncertainty. Therefore, we must address the main challenges to be overcome in the region, so that resignation does not set in, leading to greater levels of conflict. The time is now.

We are calling on the most influential international institutions that work in the region, as well as governments and businesses, to place the challenge of inequality in access to and control over land at the center of the debate on how to reduce economic and social inequality in the region, and to redouble efforts to redistribute land.

Simon Ticehurst

Oxfam, Regional Director for Latin America and the Caribbean

INTRODUCTION

The extreme inequality in access to and control over land is one of the main unresolved problems in Latin America. It is both a cause and a consequence of the region's extremely polarized social structures, and intolerably high levels of poverty and inequality. Without policies that address this challenge, it will not be possible to reduce economic and social inequality in the region.

The fight for land has given rise to internal conflicts and displacements in many countries. Moreover, territorial control continues to be a source of economic and political power that is often exercised through repression and violence. Despite growing urban migration—largely due to the lack of opportunities in rural areas—competition for land has intensified, with a rapid expansion of activities based on the extraction and exploitation of natural resources. This is a very unequal struggle between powerful actors who accumulate the benefits of that exploitation, and millions of people whose rights are affected—especially indigenous, Afro-descendant and peasant households. Women are being hit particularly hard. These people are often the victims of displacement, lose their livelihoods, and suffer from the deterioration of the environments in which they live.

The majority of governments in the region, regardless of their political persuasion, have remained committed to extractivism—a production model based on the extraction and exploitation of natural resources to obtain large volumes of raw materials—as the main driver of their economies. High commodity prices have

enabled some of them to achieve unprecedented growth rates. However, the recent fall in the price of hydrocarbons has demonstrated how reliance on extractivism makes economies vulnerable to global market fluctuations, in addition to being unsustainable in the long term and exacerbating land conflicts and inequality.

This report focuses on land as a core disputed resource. The issue of extreme land concentration is neglected in public policies, even though its impacts affect countries' overall economic and social development, not just rural areas. Land inequality limits employment; increases urban poverty belts, as people are expelled from rural areas; undermines social cohesion, the quality of democracy, environmental health; and destabilizes local, national and global food systems.

Unfortunately, the lack of transparency in land transactions, and obstacles to accessing information, make it difficult to know who the real landowners are in the region. Moreover, statistical limitations preclude an assessment of the true extent of land concentration. However, there is no doubt that global dynamics are leading to an increase in land grabs, and the concentration of land ownership, driven by insatiable demand for raw materials and energy, combined with greater access to investment capital and lucrative international markets.

This report offers a regional view, mindful of the significant differences among countries as well as sub-regions. It is based on national research and case studies commissioned by Oxfam in Bolivia, Colombia, Paraguay, and Peru; a study on

gender and access to land in Central America; and other analyses undertaken by Oxfam and partners in a number of countries. With the aim of contributing to a debate that is relevant for the region, common problems and dynamics are examined, on the understanding that there are particular cases that may deviate from those trends.

The first section analyzes land inequality from various perspectives, together with its implications in different spheres of life, especially for the most vulnerable groups, particularly women. It also looks at how the struggle for land has been both the cause of armed conflicts, and a key factor in achieving peace.

The second section describes the current scale of extreme land concentration, based on the most recent data available, making it possible to paint a picture of inequality in the access to and control over agricultural land in individual countries, and in the region as a whole.

The third section explores in greater detail the accelerated expansion of extractivist activities—such as the extraction of minerals and fossil fuels, forest exploitation, large-scale industrial agriculture and extensive livestock farming—in peasant, Afro-descendant and indigenous territories and natural areas, questioning the unfair distribution of the impacts and benefits of exploiting land and the resources it holds.

The subsequent sections contain an analysis of power among actors with interests in and rights to land. Specifically, the fourth section focuses on the elites that hold disproportionate amounts

of economic and political power at national and global levels. The fifth section describes the groups whose rights are most violated, and who lack sufficient political representation: rural women, subordinated to patriarchal power; Afro-descendant and indigenous peoples, whose territories are invaded and degraded by the advance of extractivism; and peasant movements, whose members are persecuted and criminalized for defending their rights to land and livelihoods.

The sixth section looks in more depth at national policies that, by act or omission, create the breeding ground for inequality in access to and control over land. It also describes some state capture mechanisms by which elites maintain their control at the cost of the rights of the majority.

This report concludes with some general recommendations, which are intended to stimulate discussion about how to move towards fairer societies in which the public interest tempers the power of elites; land and other productive resources are better distributed; and the rights of all people are not only recognized on paper, but effectively protected.



1.

WHY LAND?

Economic and social inequality are some of the greatest impediments to Latin American societies achieving sustainable development and economic growth.¹ The 32 richest people in the region hold the same amount of wealth as the 300 million poorest people.² This economic inequality is closely related to the possession of land, as non-financial assets account for 64 percent of total wealth.

The close links between inequality in land distribution and underdevelopment have been extensively studied. It has been demonstrated, for example, that extreme land concentration inhibits economic growth in the long term,³ as well as affecting other aspects of development, such as the quality of public institutions and education systems.⁴ A comparative study has shown how more even distribution of land ownership leads to greater agricultural productivity and, consequently, an increase in rural incomes and overall economic growth.⁵

The experience of Asian countries shows how land redistribution has been and continues to be a key factor in social and political stability, economic development and industrialization processes.⁶ It has been thoroughly argued that better distribution of land leads to more efficient allocation of resources, greater employment in rural areas, fairer distributions of wealth and income, and thereby significantly contributes to reducing poverty and inequality.⁷ The impact on poverty reduction is not only linked to greater access to land for low-income households, but also the resultant increase in productivity; under the right conditions, small farms can be more productive per hectare than large farms.⁸

Furthermore, it has been demonstrated that securing indigenous land tenure is a low-cost investment that brings benefits for forest protection. Indeed, it is a cost-effective climate change mitigation measure compared with carbon capture and storage strategies.⁹



1.1 LAND, POWER AND DEMOCRACY

The struggle for land has always been a dispute over economic and political power. The colonial elites, who imposed a system of self-enrichment based on large farming estates and the exploitation of labor, lay the foundations for an accumulative strategy that continues in rural Latin American societies. In short, this colonial power did not disappear with independence, but was consolidated and handed down to today's landed oligarchies.

Transforming those land tenure structures involves confronting that power, and changing a social order rooted in a culture closer to feudalism than a modern democracy, where the people who work the land are undervalued, exploited and discriminated against. Probably for that reason, no process of agrarian reform in the region has achieved a lasting transformation of land ownership. Not even the most revolutionary reforms based on the expropriation of large estates, like those introduced in Mexico in 1910,¹⁰ Peru in 1969,¹¹ or Nicaragua in 1980;¹² reforms which distributed state lands for colonization without affecting privately owned land, like in Bolivia from 1953, Paraguay in 1963, or Brazil from 1985;¹³ or reforms based on land funds and other market mechanisms, like those included in the peace accords in Guatemala in 1996 and El Salvador in 1992, had a lasting impact.

Large landowners have exerted influence to block or reverse the redistribution achieved by some agrarian reform processes. This was the case in El Salvador, where the 1983 constitution set a limit of 245 hectares on ownership of rural land, and established that anything over that limit would be expropriated and given to landless farmers.¹⁴ In spite of this constitutional mandate, a secondary law and explicit inclusion of the commitment in the Peace Accords, it was many years before an official inventory of landholdings exceeding that size was produced,

and the land in question has never been expropriated.¹⁵

Transfers of land from large landowners to peasant families, which were very important in some countries, were undermined by a series of agrarian counter-reforms that took place most intensely in the 1990s. The privatization of the Mexican ejidos—a symbol of the Mexican Revolution, created by the agrarian reform of 1917 using land expropriated from large estates—provides a stark illustration. Their ownership was collective, non-transferable and inalienable until, in 1992, the constitution was amended and a new agricultural law was enacted to allow their sale, although only to other ejido members. As a result, land has been sold in two thirds of ejidos, sometimes in excess of the limit set by the law.¹⁶ Meanwhile, in Peru, the 1995 Private Investment Law removed the limit that had been set by the 1969 Agrarian Reform Law on the amount of land that could be allocated by the state,¹⁷ and in 1997 a process of titling and selling off coastal peasant lands began.¹⁸

There is a regressive trend for redistribution policy in Brazil. Under Dilma Rousseff's government (2011–15), the distribution of land for agrarian reform was drastically reduced. During her tenure, an average of approximately 25,000 families were resettled each year, compared with an average of 76,700 during the previous two Lula administrations (2003–10).¹⁹ Small-scale farmers fear that this trend will become even worse under the current government of Michel Temer, whose first actions included dissolving the Ministry of Agrarian Development, and withdrawing resources from the emblematic programs for food procurement and strengthening family farming.²⁰

In other cases, land handed over by the state never reached those who most needed it. In Bolivia, during the decades of agrarian reform, the peasantry and smallholders only received eight percent of the land distributed.²¹

In Paraguay, throughout the agrarian reform process, people close to those in power fraudulently obtained four times as much land as peasant families (see Box 1).

Land-based power can shake democratic systems when its interests are threatened. In 1952, the second democratically elected president of Guatemala, Jacobo Árbenz, introduced an agrarian reform that aimed to put an end to the feudal system and distribute land among the Mayan population. This would have directly affected landowners and corporations, such as the US-owned United Fruit Company. Two years later, a military operation backed by the United States violently ended those plans, changing forever the course of Guatemala's history, and beginning 32 years of bloody dictatorial regimes.²³

The June 2012 ouster of Paraguayan President Fernando Lugo shows how the same power structures continue to dominate the political scene in the region. Lugo was impeached in

**UNDER THE AGRARIAN
REFORM IN BOLIVIA,
THE PEASANTRY
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DISTRIBUTED**



the space of less than 48 hours (some considered it a parliamentary coup), accused of being responsible for the Curuguaty massacre, in which 11 landless farmers and six police officers lost their lives during a violent eviction.²⁴ The election of Lugo, a bishop and advocate of social justice, had ended the

BOX 1.

THE PLUNDERING OF ILL-GOTTEN LANDS IN PARAGUAY

Throughout the 1960s, at the height of the Alfredo Stroessner dictatorship (1954–89), massive colonization saw thousands of families from Paraguay's central region resettled on agricultural frontier lands. However, at the same time, the regime was distributing much greater quantities of land to soldiers, officials, politicians, and large business operators from the dictator's entourage.

After reviewing more than 200,000 land allocations, the Truth and Justice Commission²² concluded that around 7 million hectares—or 64 percent of the total land distributed throughout the agrarian reform—had been irregularly allocated under the Stroessner regime. Moreover, this fraudulent practice continued after the end of the dictatorship; between 1989 and 2003, nearly 1 million hectares was irregularly allocated.

In total, nearly 8 million hectares of land was fraudulently acquired between 1954 and 2003—four times more than the land received by all peasant families combined. Although a detailed list of fraudulent cases of land allocation has been drawn up, to date, the state has not taken back a single property. Moreover, neither the beneficiaries nor the political and institutional leaders responsible for the fraud have been tried or punished.

61-year rule of the conservative Colorado Party, and posed a challenge to the landed and business elites. Lugo's impeachment, which was publicly welcomed by business associations,²⁵ was followed by measures that favored agro-industrial sectors, such as the authorization of genetically modified seed varieties, the relaxation of rules on the use of agrochemicals, the suspension of judicial proceedings concerning ill-gotten lands, and a surge in the repression and criminalization of peasant movements.

1.2 LAND AND CONFLICT

The struggle for land has been at the root of conflicts and civil wars in many countries in the region, and has been a key issue in the dialogue processes that have made it possible to resolve them. Guatemala's 1996 Peace Accords put an end to 36 years of armed conflict, and one of the measures designed to reverse the structural causes of the conflict dealt with unjust land distribution.²⁶ However, at no point in the negotiations was the country's economic and productive model called into question; the only response to address agrarian conflicts was to foster a more dynamic land market. To achieve that, land titling processes that provided legal security for land transactions were introduced, and financial and institutional mechanisms to increase the access of peasant families to property titles were activated.²⁷

Twenty years after the Peace Accords were signed in Guatemala, the majority of the social and economic commitments made have yet to be fulfilled. The limited political will of successive governments, the lack of commitment from the business sector, and the lack of effective supervision by signatories are some of the reasons for this.²⁸ In practice, the strengthening of the land market re-concentrated ownership, as many titled farms were subsequently bought by large companies producing agricultural commodities. In Petén department, half of the

peasant and indigenous households that had received a property title sold their lands, or were forced to sell them to make way for oil palm or teak plantations, cattle ranches, or activities related to drug trafficking and money laundering.²⁹

The relation of land with conflict is now most evident in Colombia, where data analysis for this report found the most unequal land distribution in the region. The redistribution of land and its restitution to the victims of the armed conflict will be key to the success of any peace process, following the population's rejection by referendum of the agreement between Juan Manuel Santos's government and the FARC-EP guerillas (see Box 2).

1.3 LAND AND DEVELOPMENT

Land is the main—and sometimes only—asset for millions of rural households in Latin America, and can mean the difference between subsistence and extreme poverty. When people lose their land, they are forced to rent plots or depend on waged work, which is nearly always temporary and precarious, in order to provide food and other basic essentials for the household.

Secure access to and control over land determine development opportunities. Countries in which land has been more evenly distributed—such as Vietnam, China or Thailand—have managed to reduce hunger and poverty much more quickly, and have maintained growth rates two to three times higher than countries where the initial distribution of land was more unequal.³³ It is no surprise that the new UN sustainable development agenda includes equal access to land as a key target for three of its goals: ending poverty (Goal 1), zero hunger (Goal 2) and gender equality (Goal 5).³⁴

Land provides financial security, because it is an asset whose value tends to increase over time, while income can also be generated through

BOX 2.**LAND AND PEACE IN COLOMBIA**

After almost six years of negotiations, Colombia is closer than ever to putting an end to the armed conflict with the FARC guerilla movement, which has lasted for more than half a century. The conflict has caused the largest internal population displacement in the world, with almost 7 million people—mainly from peasant, indigenous and Afro-descendant communities—forcibly displaced from their homes and dispossessed of at least 6 million hectares of land.

The growing problem of extreme land concentration is at the root of the conflict, and the conflict itself served to strengthen paramilitary structures that have illegally appropriated more land than the guerillas. Understandably, land distribution was the first issue to be addressed in the peace negotiations, and was the first point in the “Final Agreement to End the Conflict and Build a Stable and Lasting Peace” signed by the Colombian government and the FARC guerillas in August 2016.³⁰

The agreement sets out an agenda for comprehensive rural reform, including the creation of a 3 million hectare land fund and the formalization of small and medium landholdings. Thanks to pressure from rural women, the text addresses key issues for gender equality, such as democratization of access to land ownership, the participation of rural women and their organizations in development plans with a territorial focus, and solidarity economy initiatives to promote the economic independence of rural women. The main challenge will be for rural women to participate in the implementation and monitoring of the agreements, for which it will be necessary to strengthen dialogue and institutionalize these processes.

The agreement also has a chapter recognizing the contribution of ethnic peoples to peace, and establishes that the implementation of the commitments made must take into account the principles of self-determination, autonomy, consultation, and free, prior and informed consent. It also recognizes the importance of social, economic and cultural identity and integrity, and rights to land, territories and resources.

One of the greatest challenges will be to restitute land to the victims of dispossession and forced displacement, which is estimated to affect 8–10 million hectares, or almost a quarter of the country’s farmland.³¹ Both the peace accords and the 2011 Victims and Land Restitution Law seek to repair this damage, but progress has been very slow. It is of particular concern that the latter law does not provide sufficient guarantees of protection for victims.³² The power structures responsible for dispossession remain intact, including business operators, state and local authorities, and members of public and private security forces. This poses huge risks for the families concerned. That power must be urgently dismantled if peace is to become a lasting reality in Colombia.

its productive use. For women, access to and control over land facilitates the fulfillment of other rights, as it contributes to changing power relationships in the personal, social and political spheres. A woman who has her own land and makes decisions about it has greater economic autonomy because she can access other financial assets such as credit, her work as a producer is recognized, her participation in political organizations and decision-making spaces is increased, and she will be less vulnerable to gender-based violence.³⁵

For indigenous peoples, land is more than just a material asset; it is the ultimate expression of their cultural and spiritual identity. However, their territories are even more vulnerable—the world’s indigenous peoples and local communities possess ownership rights to just one fifth of the land that is rightfully theirs.³⁶

Furthermore, access to water—the control of which is increasingly important due to the effects of climate change—depends on communal land.³⁷ Communal land also provides other essential resources for families’ wellbeing, such as firewood, fibers and materials for building roofs and fences; medicinal plants and food for livestock; and the possibility of obtaining collective benefits through, for example, the communal management of forests. Many rural households do not have their own land or any other assets, so they are wholly dependent on communal land to meet all their needs.

In turn, ensuring collective rights to territory is one way of mitigating climate change. It has been demonstrated that giving indigenous peoples and local communities legal recognition of their rights over forests makes them less vulnerable to deforestation, which contributes to absorbing greenhouse gas emissions.³⁸

1.4 LAND AND ORGANIZED CRIME

Control of territory can be related to various

forms of criminal activity, including the production and trafficking of drugs. In the so-called Northern Triangle of Central America—formed by Guatemala, Honduras and El Salvador—criminal groups have caused displacement by forcing small and medium landowners to sell their land to make way for the trafficking of cocaine and other illicit goods. In Honduras, one of the countries where organized crime is most prevalent, drug trafficking gangs have made violent incursions into indigenous territories to establish smuggling routes and landing strips, which have particularly affected the Garifuna population in the coastal region. In Mexico, drug cartels have violently expelled whole communities from lands rich in natural resources and/or suitable for the production of illicit crops. Another practice observed in Mexico is the purchase of land to create fictitious nature reserves, for the real purpose of establishing secure drug trafficking routes on the west coast.³⁹ In Colombia, drug traffickers and paramilitary groups have channeled part of the profits obtained from cocaine trafficking into purchasing land; they now own approximately 5 million hectares, 15 percent of the total area of the country, on which they have established oil palm plantations and cattle ranches.⁴⁰

The escalation of violence, often associated with criminal activity, has led the UN Special Rapporteur on the Rights of Indigenous Peoples to talk about “open warfare” and an “epidemic” of crimes against activists and defenders of land and indigenous rights.⁴¹

Furthermore, much of the capital invested in buying up land is channeled through complex corporate structures based in tax havens, some of which comes from illicit activities. Money laundering and tax evasion have undoubtedly contributed to this land concentration. If it were possible to trace the origin of all the land acquisitions in the region, then Panama, the Cayman Islands, Hong Kong or Luxembourg would probably top the list of investor countries.⁴²



2.

MORE LAND IN FEWER HANDS



Latin America is the world's most unequal region in terms of land distribution. The Gini coefficient for land—an indicator of between 0 and 1, where 1 represents the maximum inequality—is 0.79 for the region as a whole, 0.85 in South America and 0.75 in Central America. These figures indicate much higher levels of land concentration than in Europe (0.57), Africa (0.56) or Asia (0.55).⁴³

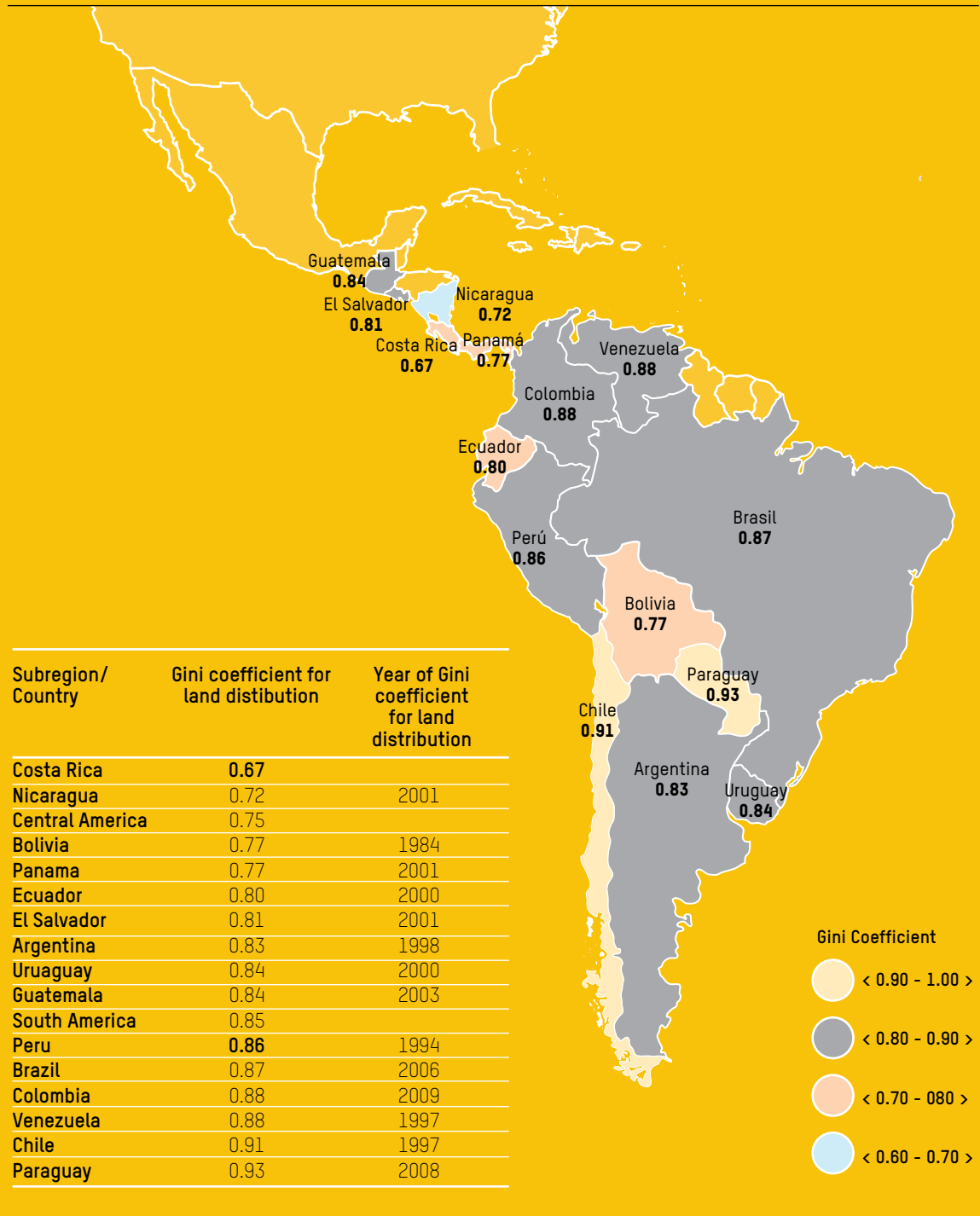
According to this indicator, Paraguay (with a Gini coefficient of 0.93) is the country where land is most unequally distributed, followed by Chile (0.91) and Venezuela (0.88). At the other end of the spectrum is Costa Rica (0.67), which has the most equitable land distribution in the region. Most Latin American countries have extremely high levels of concentration with Gini coefficients above 0.80, while the ratio is over 0.90 in Chile and Paraguay (see Graph 1).

Compared with the distribution of income—for which Latin America is also the most unequal region in the world—land distribution is even more inequitable. The regional Gini coefficient for income is 0.48 compared with 0.79 for land, and is higher than in Sub-Saharan Africa (0.43), North America (0.37) or the East Asia-Pacific region (0.37).⁴⁴

Gini coefficients are the most common way of measuring inequality; however, to better understand the extent of inequality, especially when there are high levels of concentration, it is useful to compare the distribution at the extreme ends of the scale.⁴⁴ In order to obtain an indicator for inequality in the distribution of land that illustrates the gap between the extremes, Oxfam used the most recent national statistics available to calculate the percentage of agricultural land occupied by the largest one percent of farms compared with the other 99 percent.

GRAPH 1.

GINI COEFFICIENT FOR LAND DISTRIBUTION IN SELECTED LATIN AMERICAN COUNTRIES (MOST RECENT YEAR AVAILABLE)



SOURCES: FAO (2011), UNDP (2011) and International Land Coalition (2011).

NOTE: No data are available for Honduras or Mexico.

2.1 THE LARGEST 1% OF FARMS OCCUPY OVER HALF OF AGRICULTURAL LAND

The main source of information about national land distribution is the agricultural census or, in its place, the agricultural survey.⁴⁶ These are large-scale statistical operations that cover whole countries using standardized concepts, definitions and methodologies. Censuses record information about all farming operations (agricultural, livestock and forestry), including data about the size of the farm and the type of tenure. Given their purpose, which is to obtain up-to-date information about the agricultural sector, and the way the data are recorded, censuses have limitations that should be taken into account when interpreting the results (see Box 3).

Based on an analysis of the national agricultural censuses of 15 Latin American countries⁴⁷ (the national agricultural survey was used for Bolivia⁴⁸), it was possible to calculate the proportion of land occupied by the largest one percent of farms. The results are overwhelming and reveal an even more alarming picture than was previously known: in the region as a whole, the

largest one percent of farms concentrate more than half of agricultural land. In other words, **one percent of farms occupy more land than the remaining 99 percent.** On average, the size of these farms is over 2,000 hectares (equivalent to 4,000 soccer fields), although in the countries of the Southern Cone (Argentina, Chile and Uruguay), they are much larger; for example, in Argentina, the average size of farms in the largest one percent is over 22,000 hectares.

The most extreme case is Colombia, where farms of more than 500 hectares—which only account for 0.4 percent of all farms—occupy 67.6 percent of productive land.⁴⁹ Based on these data, we find that **Colombia is the most unequal country in the region for land distribution.**

Other countries with extremely unequal distributions of land are Chile and Paraguay, where more than 70 percent of productive land is occupied by the largest one percent of farms (see Graph 2).



BOX 3.**LIMITATIONS OF AGRICULTURAL CENSUSES**

When interpreting the extent of land concentration, certain limitations relating to the way agricultural censuses are carried out should be taken into account.

The information refers to holdings, not people: The sampling unit of an agricultural census is the holding rather than the producer. Therefore, in this report, we refer to the land occupied by one percent of farms. Given that one person may own or manage more than one farm, the concentration in terms of owners could be even higher.

They do not provide information about the landless peasant population: For the aforementioned reason, landless peasant households are not registered in agricultural censuses. In many countries, it is not even known how many there are. Were they to be included in land concentration indicators, the results would be even more alarming.

Collectively owned land has only recently been included in agricultural censuses: Older agricultural censuses did not include collectively held indigenous, peasant or Afro-descendant territories. More recent censuses, such as those carried out in Colombia, Bolivia and Peru, have covered them in a differentiated and incomplete manner. However, by taking agricultural holdings as the census unit, and only covering the productive area, they provide limited information about collective territories. Care should be taken when interpreting the distribution of land, given that, within a collective territory, the land may be managed in part individually and in part collectively, with both being recorded as individual census units.

Holdings may be under arrangements other than ownership: Although the majority of the farms included in censuses are owned, a small fraction of land is rented, held in usufruct or under another type of tenure. Therefore, in this report, we refer to the land occupied by one percent of farms rather than that owned by them.

Censuses are not carried out with sufficient frequency: Although the UN Food and Agricultural Organization (FAO) recommends repeating agricultural censuses at least once every ten years, in practice the interval is much longer, because they are very costly statistical operations. In Colombia, for example, there was a 43-year gap between the 1971 census and the most recent census in 2014; by late 2016, the complete results of the latter have still not been made public. Among the Latin American countries analyzed, the oldest census is that of Ecuador (2000), while the most recent are those of Colombia and Costa Rica (2014).

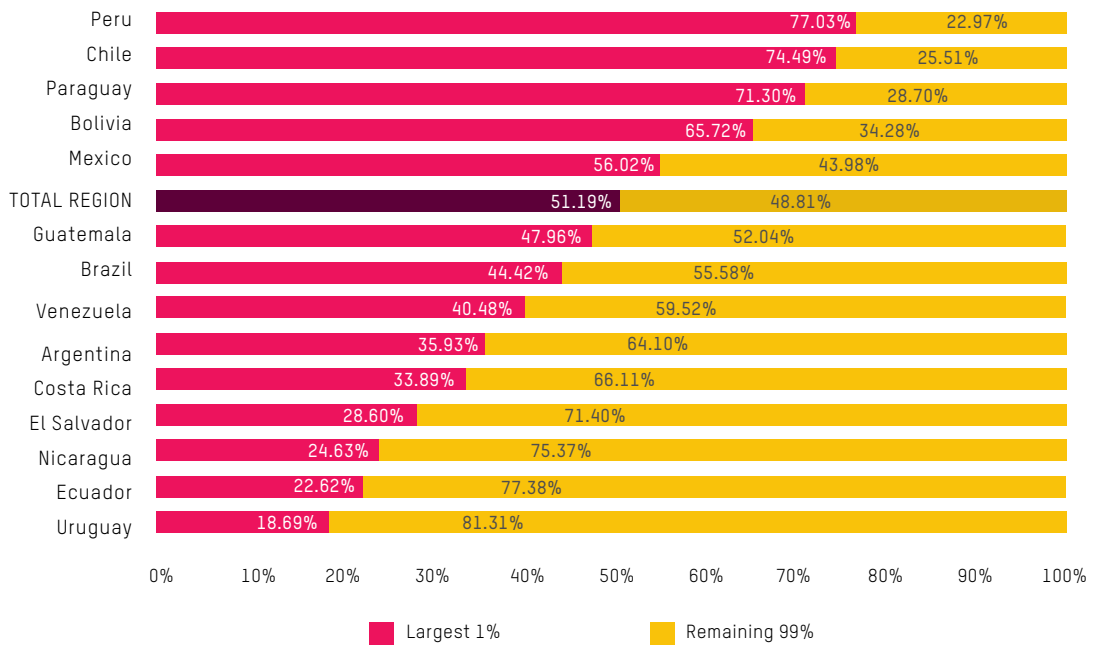
2.2
THE SMALLEST 80% OF FARMS OCCUPY LESS THAN 13% OF LAND

Smallholdings account for four of every five agricultural holdings in the region. Analyzing the agricultural censuses of 16 countries in Latin America, Oxfam calculated the surface area occupied by the smallest farms: **small farms hold**

less than 13 percent of productive land, and the average area of a small farm is nine hectares in South America and 1.3 hectares in Central America. The small size of the holdings in Central America makes peasant households there even more vulnerable. Colombia represents a particularly extreme case of inequality, as the smallest 84 percent of farms occupy less than four percent of

GRAPH 2.

PERCENTAGE OF LAND HELD BY THE LARGEST 1% OF FARMS COMPARED WITH THE REMAINING 99%



SOURCE: Prepared by the author based on data from the most recent national agricultural censuses and surveys (a detailed description of the calculation method is included in the Appendix).

NOTES:

1. It was not possible in all cases to calculate the percentage of land occupied by precisely the top one percent of farms; in some cases, it is the closest figure to one percent that could be obtained based on the data available. That is the case of Argentina (0.94 percent), Brazil (0.95 percent), Chile (0.89 percent), Peru (1.06 percent) and Venezuela (0.95 percent). For the region as a whole, the figure is 0.91 percent of farms.
2. In the case of Peru, the largest one percent of farms includes land belonging to indigenous and peasant communities, most of which is managed collectively. Much of that collective land is rain-fed farmland or natural pastures, whose economic value is much lower than that of irrigated land.⁵⁰
3. In the case of Bolivia, agricultural operations within indigenous territories were also included in the census as family farms, rather than collective territories. Consequently, they are not counted among the largest one percent.
4. Colombia, Honduras and Panama are not included in the graph, as access was not granted to the data needed to calculate the indicator, despite repeated requests to the respective national authorities responsible for agricultural censuses.

productive land. The situation is similar in Paraguay, where more than 91 percent of farms hold just six percent of land (see Table 1).

The meaning of the term “smallholding” can vary depending on context and, although it is usually associated with the concept of family farming, the two terms are not necessarily interchangeable.⁵¹ In countries such as Argentina or Uruguay, the average size of a smallholding is around 100 hectares, which would be considered a large farm in Central American countries, where the average smallholding ranges from just one to

three hectares.

The data confirm a well-known historical problem: the majority of land has been amassed by large landowners, while small farms have been driven to a marginal segment of territory. If, as well as size, the data were to make it possible to take into account the value of agricultural holdings based on criteria such as soil quality, proximity to markets, availability of water, access to transport routes, and other factors that influence productivity, then the level of inequality would probably be even higher.

TABLE 1.

SIZE OF SMALLHOLDINGS IN LATIN AMERICA

COUNTRY	Smallholdings					
	Number		Percentage		Average size (ha)	Size
	APU ⁱ	Area (ha)	APU	Area (ha)		
SOUTH AMERICA						
Argentina	246,947	23,212,207	83.0%	13.3%	94.0	<500 ha
Bolivia	718,319	2,764,221	83.4%	8.0%	3.8	<20 ha
Brazil	4,448,648	70,691,698	86.0%	21.4%	15.9	<100 ha
Chile	208,424	1,148,822	74.8%	3.9%	5.5	<20 ha
Colombia	2,447,244	4,226,846	84.0%	3.8%	1.7	<10 ha
Ecuador	636,375	1,463,212	75.5%	11.8%	2.3	<10 ha
Paraguay	264,047	1,960,081	91.4%	6.3%	7.4	<50 ha
Perú	1,754,415	2,268,752	79.3%	5.9%	1.3	<5 ha
Uruguay	36,767	3,619,509	82.1%	22.1%	98.4	<500 ha
Venezuela	349,106	3,039,152	82.3%	11.2%	8.7	<50 ha
CENTRAL AMERICA						
Costa Rica	62,925	184,881	67.6%	7.7%	2.9	<10 ha
El Salvador	335,020	216,258	85.8%	24.5%	0.6	<2 ha
Guatemala	718,585	609,755	86.5%	16.3%	0.8	<3.5 ha
Honduras	191,138	281,772	70.6%	8.6%	1.5	<5 ha
Nicaragua	185,934	646,036	70.8%	10.7%	3.5	<14 ha
Panamá	201,270	272,935	81.8%	10.1%	1.4	<10 ha
South America	11,063,585	99,191,689	82.9%	12.3%	9.0	
Central America	1,694,872	2,211,637	81.0%	11.6%	1.3	
TOTAL	12,758,457	101,403,326	82.7%	12.3%	7.9	

SOURCE: Author’s calculations based on data from the most recent national agricultural censuses and surveys.

ⁱAPU: Agricultural production unit.

NOTE: Mexico is not included because the available data from the most recent census of agriculture, livestock and forestry (2007) does not allow for the classification of farms by size of the production unit.

2.3 THE GENDER GAP IN ACCESS TO LAND

Latin American societies, especially in rural areas, are still deeply patriarchal, with women kept subordinate to men. Between the formal equality recognized in laws and the actual equality of rights and opportunities, there is a chasm of deep-rooted cultural and institutional factors that reproduce historical exclusion. The gender gap in access to and control over land manifests in many ways, such as: male preference in inheritance, fewer women benefitting from state allocation of land, and scant recognition of either women's contribution to family wellbeing and national development, or their role as full and active citizens.

Throughout the world, women help sustain rural societies by taking on the double burden of caring for household members and performing key productive and reproductive tasks, such as providing food. They tend family vegetable gardens, feed animals, collect firewood and water, and look after children, the elderly, the sick and those with disabilities; they also participate in neighborhood committees and often supplement the family income with jobs outside of the home.

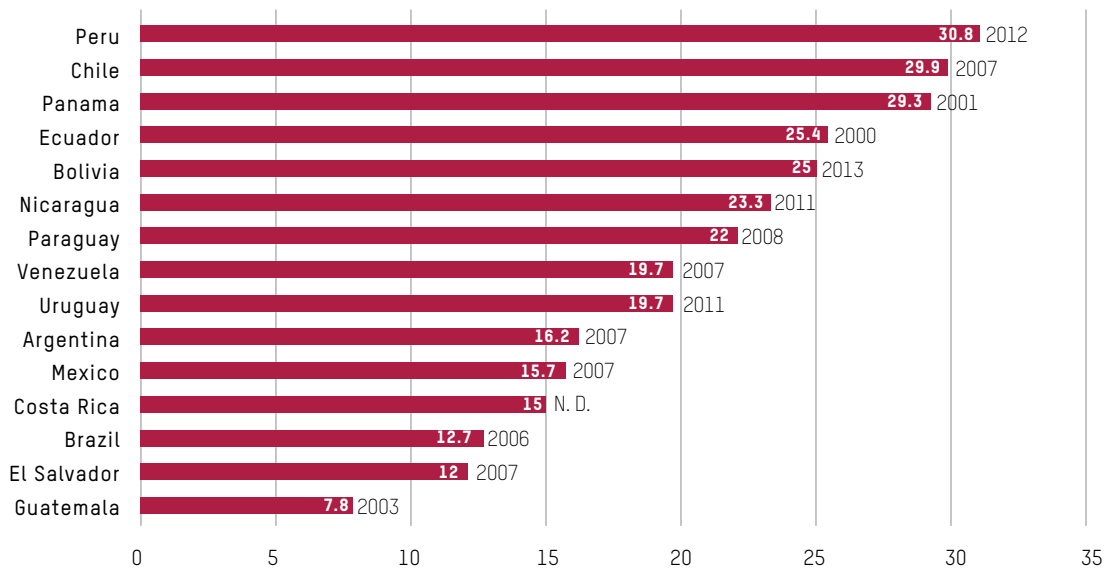
However, compared with men, women only have access to a small fraction of land, credit, inputs or technical assistance. In Latin America, women account for less than 12 percent of the population that benefits from agrarian reform processes.⁵² Policies that have promoted access to land through the market—such as land funds—have included women in a subordinate and minority capacity, always based on their marital status and their position as mothers, rather than as productive or working women.⁵³ In national statistics, women are usually considered as “helpers” in agricultural work; consequently, they are not recognized in employment data, and their contribution is not taken into account for economic

purposes. Women's presence in farmers' organizations tends to be limited and removed from spaces of power, resulting in their exclusion not only from ownership but also from decision making in relation to land management and community development.

Women's lack of access to land keeps them subordinate to men and limits their economic independence, as it prevents them from accessing other essential resources and services, such as credit or technical assistance. The data illustrating the gender gap in access to land are powerful. Without exception, women have less land than men, ranging from eight percent of total landholdings in Guatemala to 30 percent in Peru (see Graph 3), and their farms are always smaller. In Brazil, for example, the average area worked by women is 25.5 hectares, compared with 60.7 hectares for men.⁵⁴

Although the law in all of these countries recognizes equal rights for men and women, in practice women tend to have smaller properties, of worse quality, and with less legal security. A study conducted by the Central American Network of Rural, Indigenous and Farming Women (RECMURIC) found that women only hold 12 percent of land in Honduras; in El Salvador, a mere 13 percent of property titles are in women's names; women work 15 percent of the land in Guatemala (although it does not always belong to them); and Nicaraguan women run just 23 percent of farms, most of which are less than ten hectares in size.⁵⁵ Studies carried out in other Latin American countries confirm the widespread exclusion of women from access to and control over land.⁵⁶

Until rural women are treated as full and active citizens—i.e. bearers of rights who play a key role in family wellbeing and national development—progressive measures such as joint titling will be insufficient to combat gender inequality. Specific policies with a gender perspective are needed to address the existing obstacles, and guarantee women's access to land and other productive resources.

GRAPH 3.**PERCENTAGE OF FARMS RUN BY WOMEN IN SELECTED LATIN AMERICAN COUNTRIES**

SOURCES: FAO, Gender and Land Rights Database based on agricultural censuses, household surveys and academic publications; data for Bolivia from the Center for Labor and Agrarian Development Studies (CEDLA) based on the 2013 National Agricultural Census.

NOTE: No data were available for Honduras or Colombia.

2.4 THE INCREASE IN LAND CONCENTRATION CONTINUES

Land concentration in Latin America is much higher today than it was in the 1960s, when many countries undertook important agrarian reform initiatives, recognizing that excessive accumulation of land ownership—with vast unproductive areas—was not only unfair, but also an obstacle to agricultural modernization and economic growth.⁵⁷ Nowadays, conversely, the pursuit of ever-larger scales of production and the desire to attract investment capital have

overshadowed the debate about redistribution, which is more necessary than ever given the outrageous levels of land concentration.

In Brazil, for example, inequality in land tenure has not been reduced despite implementation of the region's most ambitious agrarian reforms between 1995 and 2010, which saw the state distribute more than 80 million hectares (an area twice the size of Paraguay) and settle almost a million farming families.⁵⁸ Despite this huge redistribution effort, the country continues to be dominated by large-scale

farming operations, with more than 40 percent of land being concentrated in less than one percent of properties.⁵⁹

While large landowners occupy a growing proportion of the territory, smaller farms are tending to disappear. In Uruguay, the number of farms recorded in censuses fell by 34 percent between 1961 and 2000; 96 percent of the farms that disappeared were less than 100 hectares in size.⁶⁰ In Peru, however, between 1994 and 2012, the number of farms of less than five hectares increased by more than 40 percent, although the total area occupied by them did not increase; consequently, the average holding size shrank from 1.7 to 1.3 hectares.⁶¹ Peasant properties, which are already inherently small, are divided even further by inheritance and, in some contexts, their size makes profitable production unviable. This property fragmentation further impoverishes subsistence economies and, combined with the scarce opportunities for work, is pushing small-scale farmers out of rural areas, especially the younger generations.

At the same time, the productive area has increased in the majority of countries, although this can be mainly accounted for by large farms. In Paraguay, between 1991 and 2008, an additional 7 million hectares entered into production, 6 million of which was registered in farms of more than a thousand hectares, while the area occupied by the smallest farms fell by 16 percent. In the soy sector, the number of farms grew by just four percent, while the area occupied quadrupled.⁶² In Colombia between 1970 and 2014, while the agricultural land occupied by farms of more than 500 hectares increased from 41 percent to 77 percent, the proportion occupied by farms of less than ten hectares fell from seven percent to four percent.⁶³

This extreme inequality in access to and control over land should be addressed as a priority in

the fight against economic and social inequality in the region. National governments should urgently and effectively respond to demand from rural populations for land and means of production, adopting concrete measures that contribute to the redistribution of land ownership and greater equity.



**RECMURIC FOUND THAT
WOMEN ONLY HOLD
A SMALL PERCENTAGE
OF TOTAL LAND:**

12 % HONDURAS

13% EL SALVADOR

15% GUATEMALA

23% NICARAGUA



3.

3. A MODEL BASED ON ACCUMULATION

A strategy of exploiting natural resources and people took root in Latin America centuries ago. This extractivist model seeks to control land in order to access all possible sources of raw materials, and has rapidly expanded in step with the insatiable demand for food, commodities and energy.

Extractivism is a way of organizing a country's economy around the extraction and exploitation of large volumes of natural resources, mainly for export, and often with minimal processing and limited added value. In a broad sense, extractivism includes the exploitation of both non-renewable resources (such as minerals and hydrocarbons) and renewable resources, through large-scale agricultural, livestock and forestry production or hydroelectric power generation. These types of activities underpin the economies of many Latin American countries, which have specialized as suppliers of raw materials for the global market.

3.1 EXTRACTIVISM HAS TAKEN OVER THE LAND

The dependence of Latin American economies on extractivism and "neo-extractivism", which involves greater state control,⁶⁴ is evident from export revenue figures. Raw minerals, fossil fuels, metals, timber, meat, and vegetables account for more than half of total exports in most of the region's countries; in Chile and Ecuador they are in excess of 80 percent (see Graph 4).⁶⁵ Even progressive governments—which used to criticize dependence on raw materials, the enormous power of corporations, and the low tax contributions of the extractive industries—have not only continued to base economic growth on



extractive activities, but have embraced them as pillars of their development strategies.

Mining and oil exploitation accelerated from 2000 due to the need to increase global reserves, a commodity price boom, and a new wave of foreign investment attracted by structural reforms that removed protections for communal territories and relaxed environmental controls (see Graph 5). As a result, in Ecuador, Bolivia, Peru and Chile, more than half of exports today are extracted from the subsoil.

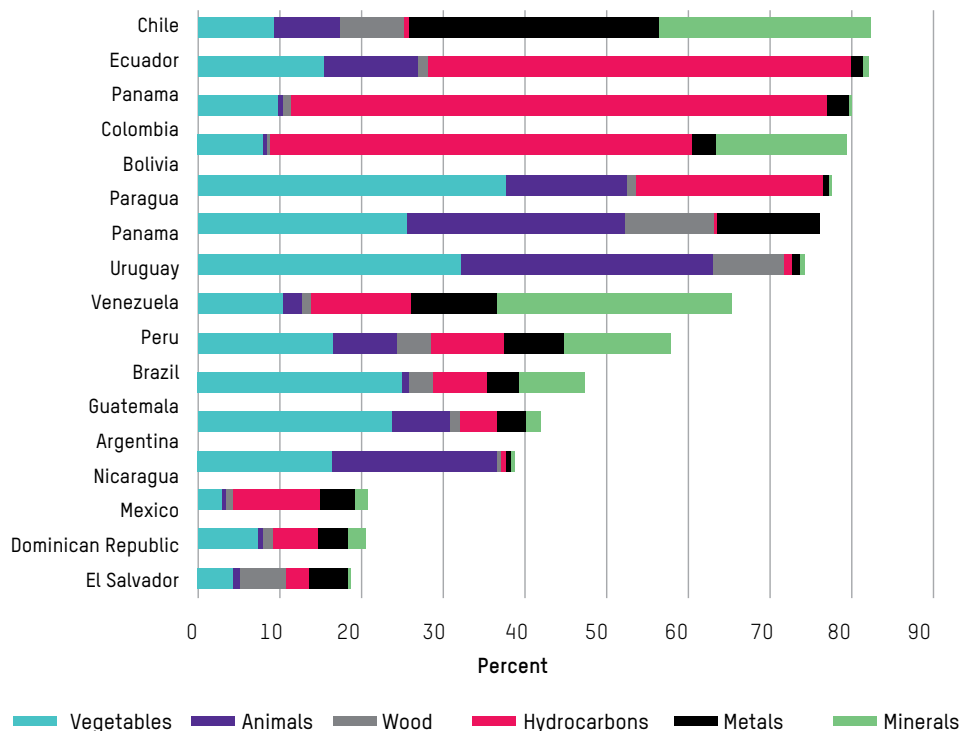
In Colombia—the leading exporter of gold in

Latin America—the area under mining concessions grew from 1.1 million hectares in 2002 to 5.7 million hectares in 2015, equivalent to five percent of national territory.⁶⁷ The government of Juan Manuel Santos has placed mineral and fossil fuel extraction at the center of its economic growth policy, to finance investments needed to build peace and implement social policies.⁶⁸

The case of Peru is a typical example of mining fever. The number of concessions grew exponentially: from just over 2.5 million hectares in 1991 to 27 million hectares in 2013, equivalent to 21 percent of the national

GRAPH 4.

RAW MATERIALS AS PERCENTAGE OF THE TOTAL VALUE OF EXPORTS IN 15 SELECTED COUNTRIES (2014)



SOURCE: Prepared by the author based on World Bank data, available at <http://wits.worldbank.org/country-analysis-visualization.html>

territory.⁶⁹ Current calculations suggest that almost half of peasant communities' lands are under some type of mining concession, and that 31 percent of the Peruvian Amazon has been subdivided by the state into blocks for the purpose of exploration and exploitation of hydrocarbons.⁷⁰

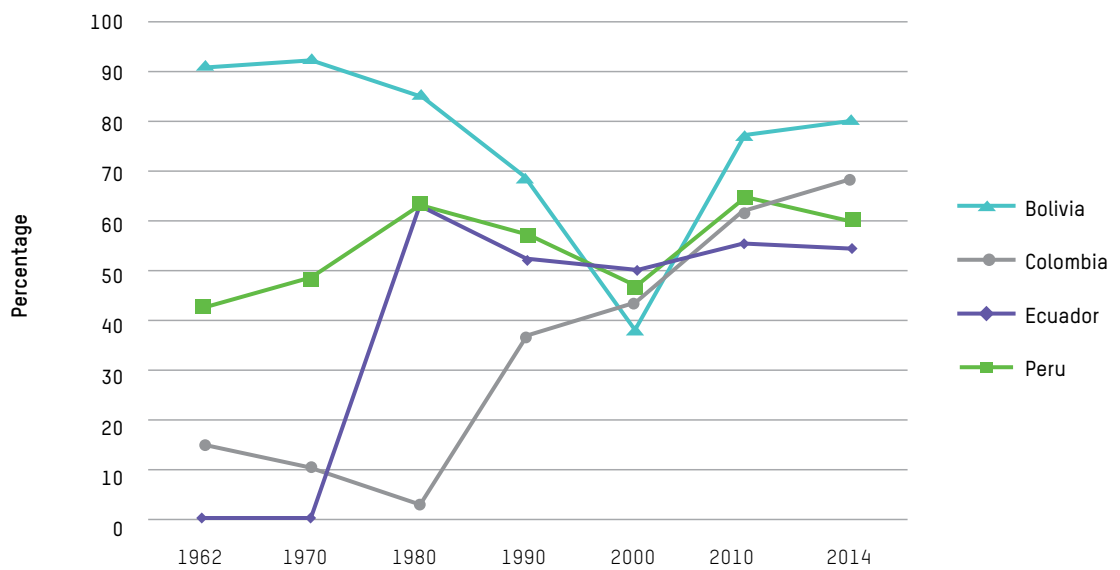
Forestry is experiencing a boom in Mexico and the countries of the Southern Cone, especially Chile, driven by international demand for timber products, and the new business opportunities that have arisen with the carbon market and other environmental services. Between 1990 and 2010, forest plantations grew at a rate of more than half

a million hectares a year in the region. In Brazil alone, gigantic plantations of eucalyptus and other fast-growing species occupy more than 6 million hectares, and have led to displacements and water disputes with local populations.⁷¹

Livestock farming is another expanding sector, with a quarter of all beef consumed worldwide being produced in South America.⁷² In Colombia, extensive livestock farming occupies 80 percent of productive land (34 million hectares), although only 15 million hectares are considered suitable for that purpose. More than half of the farmed area of Paraguay is made up of cattle ranches, which are encroaching on the natural areas of

GRAPH 5.

HYDROCARBONS AND MINERALS AS A PERCENTAGE OF THE TOTAL VALUE OF EXPORTS IN FOUR LATIN AMERICAN COUNTRIES (1962–2014)



SOURCE: Prepared by the author based on World Bank data, available at <http://databank.bancomundial.org/data/>

the Chaco, giving rise to the highest deforestation rate in the world.⁷⁴

Meanwhile, agricultural production has been dominated by so-called “flex crops” such as soybean, oil palm and sugar cane, which have expanded at an unprecedented rate in the last two decades (see Graphs 6 and 7).⁷⁵ Soybean production has spread across borders from Brazil and Argentina into Paraguay, Bolivia and Uruguay (see Box 4). Sugar cane predominates in Brazil, Mexico, Colombia, Argentina and Central America; oil palm is increasingly expanding in Colombia, Ecuador, Honduras,

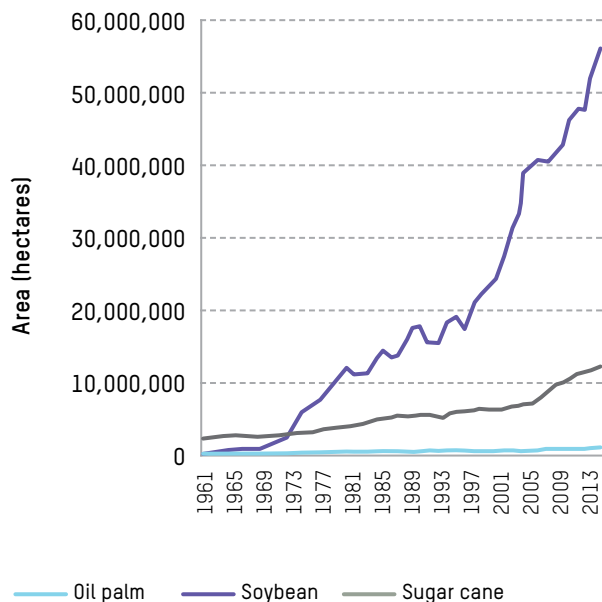
Brazil, Costa Rica, Guatemala, Mexico and Peru, where it is rapidly gaining ground in the Amazon region (see Graph 8).

AGRICULTURAL EXPORT MODEL AND LIVELIHOODS

It is often claimed that in Latin America, unlike other regions of the world, the majority of recent agricultural investments have not affected land occupied by family farming but rather pasture, uncultivated state lands, or natural areas.⁸⁰ However, research undertaken by Oxfam in several countries indicates that this is not always the case: large-scale monoculture investments seek

GRAPH 6.

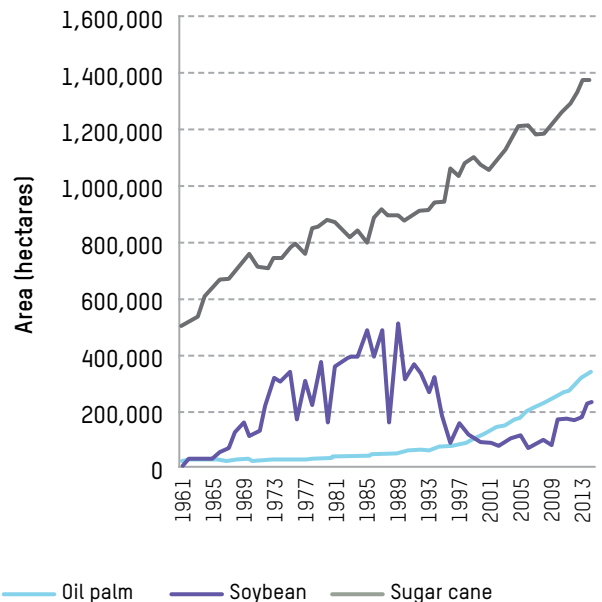
AREA UNDER SOYBEAN, OIL PALM AND SUGAR CANE CULTIVATION IN SOUTH AMERICA (1961–2013)



SOURCE: FAO Statistics Division, FAOSTAT (faostat.fao.org).

GRAPH 7.

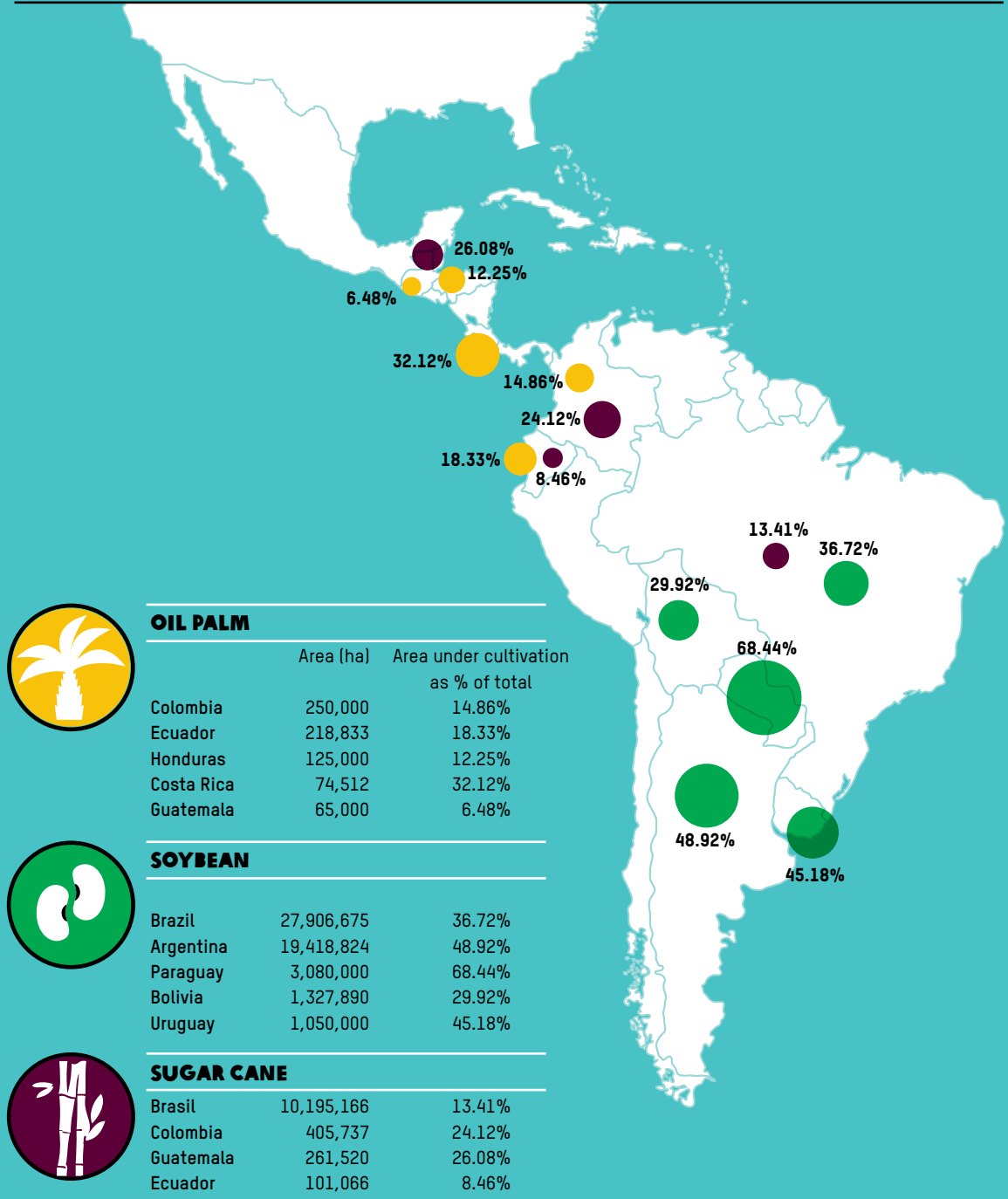
AREA UNDER SOYBEAN, OIL PALM AND SUGAR CANE CULTIVATION IN CENTRAL AMERICA (1961–2013)



SOURCE: FAO Statistics Division, FAOSTAT (faostat.fao.org).

GRAPH 8.

AREA USED FOR FLEX CROPS IN SELECTED COUNTRIES (2014)



SOURCE: FAO Statistics Division, FAOSTAT (faostat.fao.org).

BOX 4.

THE GEOPOLITICS OF SOYBEANS

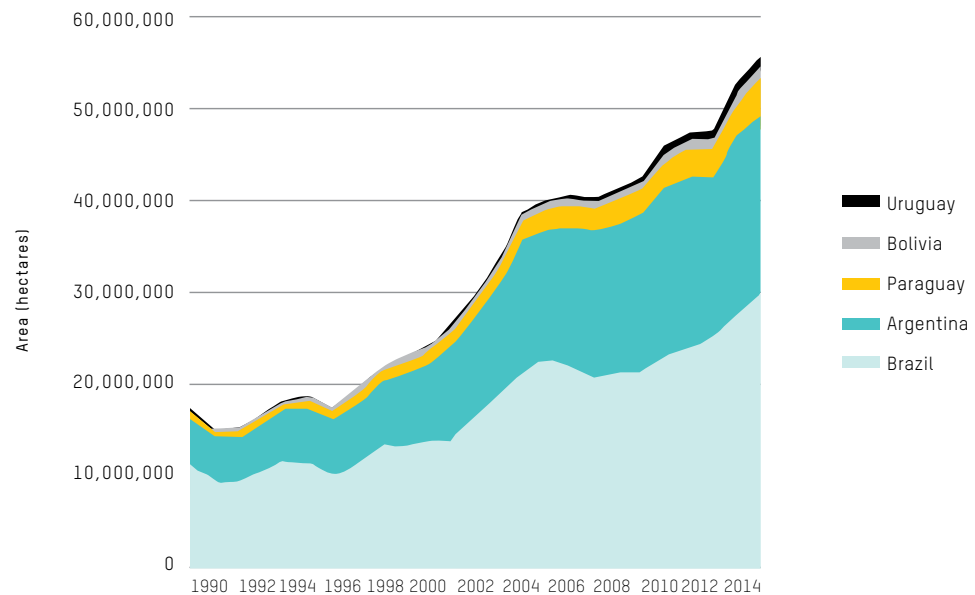


The search for economies of scale in soybean production has resulted in a model of territorial organization tailored to the needs of transnational corporations, which determine the development of storage, transportation and processing infrastructures.

Together, the five countries of the so-called “united soy republics”⁷⁶—Brazil, Argentina, Paraguay, Bolivia and Uruguay, in order of importance—produce more than half of the soy consumed worldwide.⁷⁷ Between 1990 and 2014, the area under soybean cultivation tripled to 60 million hectares (larger than the combined territories of Paraguay and Uruguay), while production increased fivefold to a total output of 150 million tons.⁷⁸ Between 2000 and 2014 alone, soy plantations in South America grew by 29 million hectares, roughly comparable to the size of Ecuador.⁷⁹ Approximately 90 percent of regional production is concentrated in Brazil and Argentina, although the fastest expansion has been in Uruguay. Meanwhile, Paraguay is the country where soybean occupies the greatest area relative to other crops, covering 67 percent of the total agricultural land (see Graph 9).

Brazil is the undisputed leader of soybean. In 2015, it generated more than 40 percent of the value of world soybean exports, breaking the hegemony of the United States. That same year, the soybean and its derivatives headed total Brazilian exports (accounting for over 11 percent in terms of value), ahead of gold, hydrocarbons and meat.⁸⁰ With investment into millions of hectares of plantations in Paraguay and Bolivia, Brazil has extended its political influence as far as Africa, and has established commercial partnerships with China, the main import market for soy. In an international context marked by price volatility and food crises, political turbulence in importing countries, and extreme droughts, the soybeans produced with Brazilian capital, both within and beyond its borders, take on a crucial geostrategic importance in the new world order as one of the most important commodities in the global market.

SOURCE: Oliveira, G. (2016).

GRAPH 9.**EVOLUTION OF AREA UNDER SOYBEAN CULTIVATION IN FIVE LATIN AMERICAN COUNTRIES (1990–2014)**

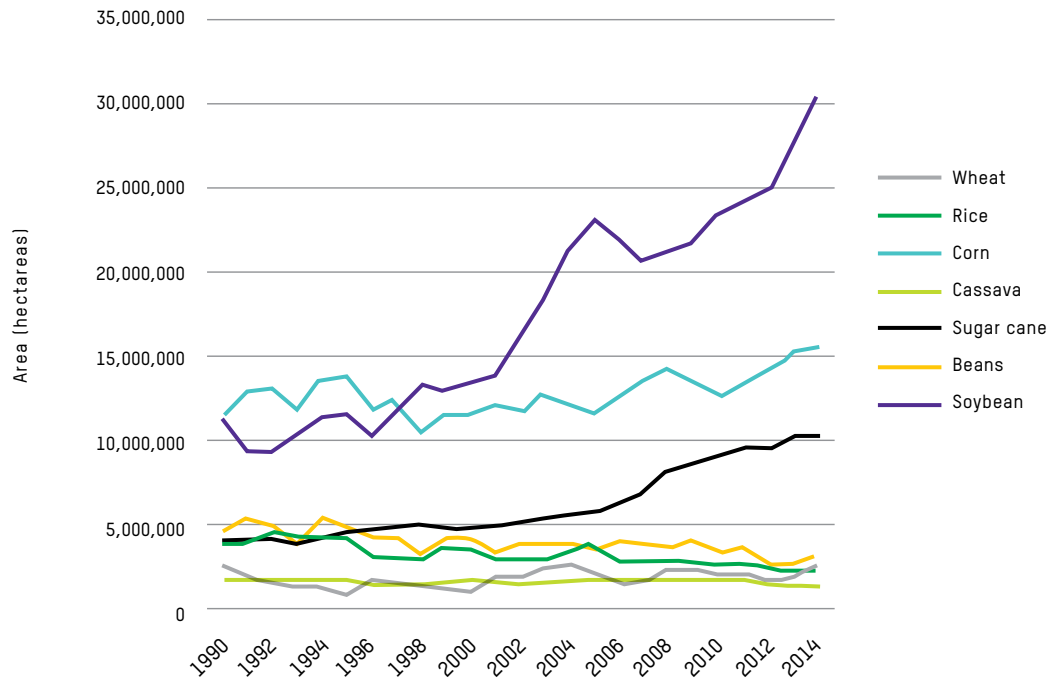
SOURCE: Prepared by the author based on data from the FAO Statistics Division, FAOSTAT (faostat.fao.org).

fertile land with good transport connections. In many places, this means displacing local peasant, indigenous and Afro-descendant communities, depriving them of their traditional livelihoods.⁸²

In some cases displacement occurs through direct purchase, whether legal or fraudulent. In others, people are forced off their land indirectly; for example, in Paraguay, families have become surrounded by soybean plantations, and cannot live with the intensive application of chemical products.⁸³ Displacement is often a result of violence, such as in Colombia, Honduras and Guatemala, where peasant and indigenous communities face threats, coercion and violent evictions to make way for soybean, oil palm and sugar cane plantations. In Brazil, dozens of peasant

and indigenous leaders have been murdered for resisting the advance of agro-industry, livestock farming, timber extraction, and mining.⁸⁴

The unfettered growth of the agricultural export model also affects food security, acting as a disincentive to produce food for domestic consumption. In Brazil, as the area given over to soybean and other industrial crops expanded exponentially, the area for growing rice, other bean varieties, and wheat shrank or stagnated (see Graph 10).⁸⁵ Colombia is the world's fourth largest producer of palm oil, yet is one of the most dependent on imports of corn, rice and beans, since 7.1 million of the 8.5 million hectares used for agriculture are occupied by large coffee, oil palm and sugar cane plantations producing for export.⁸⁶

GRAPH 10.**CHANGE IN THE AREA OF SOYBEAN AND FOOD CROPS IN BRAZIL (1990–2014)**

SOURCE: FAO Statistics Division, FAOSTAT (faostat.fao.org).

3.2 PRIVATE PROFITS AT A PUBLIC COST

The exploitation of natural resources has undeniably helped drive economic growth in the region and improve public services in countries that have taken advantage of the price boom to increase their social investment.⁸⁷ However, dependence on extractive industries brings serious risks associated with the volatility of international markets, as well as high environmental and social costs. Countries that specialize in hydrocarbon production, like Bolivia, Colombia, Ecuador, Mexico, and Venezuela, saw their tax revenues fall by an average of more than one percent of their gross domestic product between 2013 and 2014 due to a drop in prices.⁸⁸

Furthermore, extractive activities give rise to enclave economies, which are detached from their socio-economic context, and generate very little employment, as they replace labor with technology.⁸⁹ Most of the work they do create is low-skilled, seasonal, poorly paid, and often in conditions that violate labor legislation on minimum wages, forced labor, child labor, health, safety, and/or social protection.⁹⁰ Women have fewer employment opportunities than men and, when they do find work, receive a lower salary. Regions in which resource extraction takes place tend to receive few benefits, while suffering from its serious environmental and social impacts. Some extractive activities can be particularly destructive to the social fabric; for instance, in Colombia, there has been an increase in child

sexual exploitation and teenage pregnancy in regions of intense mining activity.⁹¹

The incorporation of family farming into the agricultural export model, often backed by states, has proven to be a very unequal partnership. Some corporations establish contracts with small producers in a kind of “agricultural maquiladora,”⁹² whereby peasants become workers on their own land without guarantees or labor rights, in exchange for a reliable market and access to technology. In this way, as well as securing greater volumes of output for lower investment and operating costs, corporations can access land in countries where there are restrictions on its purchase, and do not assume the production risks.

In Bolivia, for example, exports of soybean and its derivatives are under the control of four transnational companies that export 77 percent of the soy produced in the country: Gravelal (31 percent), Fino (22 percent), ADM (13 percent) and Cargill (11 percent).⁹³ The investment required to produce soybeans on a commercial scale is beyond the reach of small producers. Even those who received state land under the agrarian reforms cannot use it as collateral for credit; consequently, they have no other option than to produce under contract or hand over their land to large companies in exchange for a share of the harvest. In either case, even though they maintain ownership of the land, they lose control over both production and profits.

In terms of public revenue, the agricultural export sector contributes disproportionately little compared with the profits made by large agri-food businesses. In the case of Peru, it was expected that the numerous subsidies granted to encourage the expansion of agro-industry would be recouped through tax payments. However, despite a boom in agricultural exports, this sector’s contribution to tax revenue fell from 0.4 percent in 1998 to just 0.09 percent in 2012.⁹⁴

Although legal reforms in Bolivia, Venezuela, Argentina, and Ecuador have strengthened state control of extractive industries, tax evasion and avoidance continue to be common practices in many corporations, and the exemptions and incentives granted often exceed the revenue collected. In Colombia, for every dollar that mining companies contribute to the national accounts, the state forgoes two dollars in tax deductions and exemptions.⁹⁵ In Guatemala, for every 100 quetzals generated by the mining and quarrying sector in 2015, the state only received 3.8 quetzals in taxes and royalties.⁹⁶

In short, land is becoming increasingly concentrated in fewer hands and is subject to a model of natural resource extraction and exploitation that has exacerbated inequality even though it has helped the region’s economies to grow. The benefits of this extractivist model are concentrated in the hands of elites, which are the focus of the next chapter.

There is an urgent need to promote economic and investment policies that foster balanced and diversified economic growth, prioritizing territorial development, respect for the environment, job creation, and the regulation of working conditions. In addition, fairer tax systems need to be established for land ownership and the profits earned from natural resource exploitation, in order to ensure better distribution of the benefits.



4.

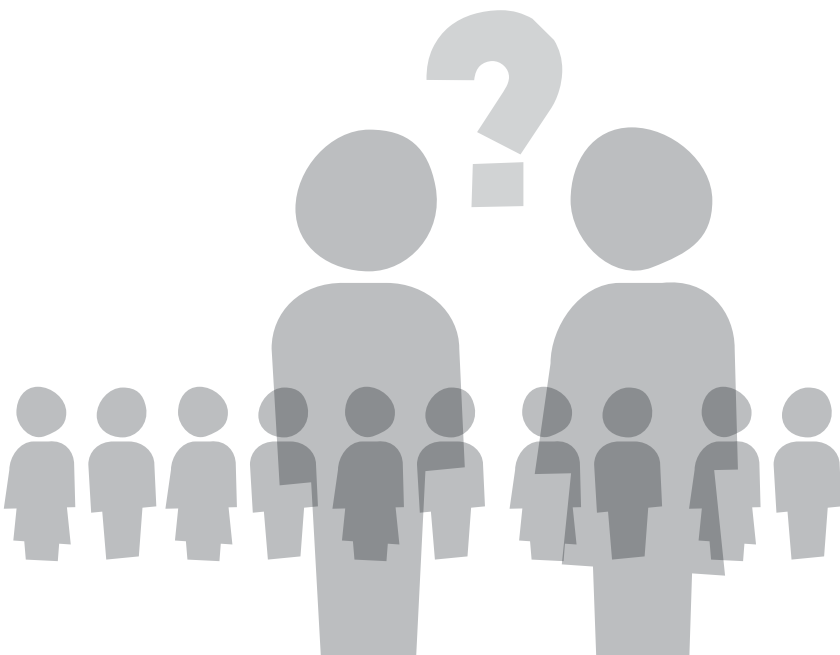
WHO RULES THE LAND?

Those who have control over land decide how it will be used, and who will benefit from its exploitation. In a globalized free market economy, economic power—the ultimate expression of which is large corporations and those who finance them—exerts its control over land in many ways. That power is exercised and consolidated, and a shared interest is defended, through a complex system of both formal and informal commercial, political, and financial relationships. The flow of capital between investors and companies; the control of markets by multinational corporations; the powerful influence of business sectors over government authorities; and international agreements that protect investment all ensure complete control over land and its natural resources.

4.1 DIFFERENT MEANS TO CONTROL LAND

Ownership is the most direct way of exercising control over land, but it is not the only one. Renting, long-term concessions, and production under contract are becoming increasingly relevant, especially in countries where there are restrictions on the sale of land. It is impossible to ascertain who landowners are in Latin America: the lack of transparency in transactions, the use of shell companies, titling in the name of third parties, secrecy, and bureaucratic barriers in the institutions that manage public land and property registries create a shield that can conceal the true identity of the owners.

Despite the obstacles to accessing information, it was possible to draw up a list of more than 700 large properties in Paraguay totaling 4 million hectares, 13 percent of the total national territory, which would be enough to meet the demand of the country's 300,000 landless peasant households. Although incomplete, the list makes it possible to identify the main large landowners and reflects the diversity of actors competing for control of land in the region. In the top positions are a South Korean church, an investment fund



associated with a European bank, a conservation organization, large soybean producers of Brazilian origin, and powerful oligarchs, including the owner of one of Paraguay's main national newspapers.⁹⁷

A similar pattern of extreme inequality is repeated throughout the region, where millions of landless peasant households, and families with holdings too small to make a living, exist alongside huge farms of proportions that are difficult to imagine. However, guaranteeing access to markets is just as important as ensuring production. Consequently, corporations have taken control of strategic storage and transportation points along the main export routes. In Bolivia, Cargill is a minority shareholder in the company managing Puerto Aguirre, the main river port that connects Bolivia to the Atlantic Ocean, from which 60 percent of the soybean produced in the country is exported. In Paraguay, eight agricultural export corporations (Cargill, ADM, Bunge, Compañía Paraguaya de Granos, Noble, Grupo Favero, and Louis Dreyfus, in order of size) were responsible for 80 percent of exports of soybean and its derivatives in 2014, and operated with their own transportation infrastructure, including silos, fleets of vessels, and shipping ports throughout the country.⁹⁸

The extraction of minerals and hydrocarbons from the subsoil, meanwhile, requires considerable financial, technological and logistical capacity, and is therefore usually in the hands of major corporations that are able to handle large-scale operations. A large part of the mineral reserves in the region are under the control of transnational mining companies, some of the most prominent of which are Canadian companies that manage 50 to 70 percent of mining operations in the region.¹⁰⁰ The land from which such resources are extracted is leased through concessions by states, many of which are heavily dependent on extractive industries to sustain their economies.

Thus, control over land can be exerted through indirect forms of possession, other than

ownership. Without needing to own land, the actors with the greatest financial and market power decide what, how, and how much to produce, and are also the ones who profit most from exploiting the land and the resources it holds. Therefore, it is necessary to establish regulatory frameworks that ensure more equitable distributions of the benefits resulting from indirect means of control over land, such as land rental arrangements, production and storage contracts, and concessions.

4.2 OLD ELITES AND NEW PARTNERS TAKING OVER AGRICULTURAL LAND

International investment flows, and the huge market concentration in the agri-food sector, have reconfigured land-based power relations. Increasingly solid alliances have been forged among national political and economic elites, financial institutions, and the multinationals that dominate world trade in agricultural commodities, all in pursuit of a common aim: large-scale production to meet global demand.

Latin American family firms have diversified their business lines, broadened their scope, and established a growing presence in regional and international markets, transforming themselves into powerful regional corporations. The Peruvian Grupo Gloria is a prime example of this. It was created as a family business in the dairy sector, and has since become one of the largest conglomerates in Peru and one of the primary "trans-Latin" corporations.¹⁰¹ It operates in the food, industrial and transport sectors in seven countries in the region, and exports to 75 countries.¹⁰² Together with other large companies, Grupo Gloria took advantage of public investment in irrigation systems when sugar cooperatives' lands were put up for sale by public auction, managing to obtain through its subsidiary Coazúcar almost 90,000 hectares on the Peruvian coast, a landholding of unprecedented size equivalent to northern Lima,

which has two million inhabitants.

Unlike Africa, around a third of investment in land in Latin America comes from countries in the same region, through flows of capital seeking lower land prices, water availability, commercial opportunities, tax breaks, or other incentives. Brazilian companies, for example, drove the soy boom in Bolivia and Paraguay, and also control meat exports from Paraguay.

Land has become a strongly performing asset, and a safe bet for institutional investors such as pension funds, sovereign wealth funds, and government agencies. The number of investment funds operating in the agriculture and food sectors rose from 33 in 2005 to 240 in 2014, managing some \$45bn in assets worldwide.¹⁰⁴ Through systems known as “sowing pools”, they gather capital from various investors which they then use to purchase or rent land on which they produce raw materials for export, on a scale never seen before that applies highly technical methods.¹⁰⁵ In addition, these systems offer foreign companies the advantage of entering into partnerships with local actors, in order to access tax breaks and subsidies, or to avoid possible restrictions on the purchase of land.

The first sowing pool was established in Argentina in 1990, and the concept soon spread to Uruguay and Brazil, where it contributed to expansion of the agricultural frontier in the Brazilian Cerrado. Around half of the Argentine Pampas (31 million hectares) has been exploited through this model.¹⁰⁶

The majority of the soy, palm oil and other agricultural commodities produced on a large scale is purchased by multinational corporations that handle storage, processing and distribution in global markets. The greatest profits are obtained in these links of the production chain, which have been dominated by the “ABCD group” of ADM, Bunge, Cargill and Louis Dreyfus. These four companies together market much of the food

produced and consumed worldwide and, in recent years, they have been responsible for almost three quarters of the global grain trade.¹⁰⁷ More recently, they have been joined by transnational corporations from emerging countries, especially in Asia, which are positioning themselves in the regional market: the so-called “NOW group”— Noble, Olam and Willmar¹⁰⁸ —together with COFCO, China’s largest grain trader. Although the dynamism of the agri-food sector can bring about changes in the distribution structure of the market, the trend of concentration continues.

The growing dominance of trans-Latin corporations, international financial actors and agricultural multinationals has social, economic and political consequences that have not been sufficiently studied, largely due to the opaque manner in which they act. They often operate through subsidiaries or partnerships with local companies, so their involvement is not always obvious. However, they undoubtedly exert a powerful influence in national and international forums where decisions are made about policy measures and regulatory frameworks that affect their interests.

4.3 CONTROL OF POLICIES BY ECONOMIC ELITES

The phenomenon known as “political capture” or “hijacking democracy” occurs when governments stop working for the public interest, and start catering to the specific interests of a handful of privileged actors. This indicates that the elites have taken control of democratic institutions to ensure that government policies and regulatory frameworks work in their favor, and that public resources are being harnessed to generate the maximum possible private profits. There are many forms of political capture, ranging from the financial backing of political parties to influence peddling, via lobbying, the “revolving door”

dynamic, and control of the media. Political capture is problematic because it strengthens the power of the elites, weakens public institutions, and generates greater inequality.¹¹¹

The government of Ollanta Humala in Peru has been studied as a case of “corporate capture”.¹¹² Humala came to power on a social change agenda, but immediately allied himself with the economic elites and extractive industries that he had previously criticized. Corporations influenced the approval of legislative packages favorable to their interests—popularly referred to as “paquetazos”—both directly, with appointments to key positions in the state administration, and indirectly, thanks to support from media outlets

BOX 5. HUNDREDS OF PEASANT FAMILIES VS. THE “KING OF SOY”

Tranquilo Favero is one of the many “brasiguayos” who led the soy boom in Paraguay.¹¹³ It is estimated that he owns more than 150,000 hectares of cattle ranches and soybean plantations spread over 13 of the country’s 17 departments, an area large enough to meet the land demands of 15,000 peasant families.

Favero’s plantations cover more than half of the district of Ñacunday, including state land that farmers’ organizations are claiming rights to under the agrarian reform.¹¹⁴ After ten years of occupation by families demanding that the state recover and redistribute that land, Fernando Lugo’s government began the judicial demarcation process. However, the process was blocked by pressure from Favero, with the support of business associations, the media, and conservative political parties.

In May 2015, the Senate finally approved a bill to expropriate approximately 11,000 hectares of the disputed land, on which around a thousand peasant families would be able to settle. However, the initiative was rejected by the Chamber of Deputies, citing the high cost to the state of the compensation for the land in question. Hundreds of families have resisted eviction in Ñacunday, despite constant police operations, preventive detentions, and sentences of several years’ imprisonment for invasion of private property handed down to some of their leaders.

SOURCE: Fogel, R (2013)

and think tanks. Among other things, the measures adopted have relaxed regulations on extractive activities, including the procedures for approving environmental and archaeological studies; established preferential tax treatment; and facilitated mining investments on communal land.

The complicity of governments with economic elites is exposed by cases such as that of

Tranquilo Favero in Paraguay, where the actions of public institutions seem more geared towards protecting the interests of the powerful than protecting the rights of the majority (see Box 5).

A direct form of political capture occurs when elites organize into business associations or their own parliamentary fronts, as in the case of the “bancada ruralista” in Brazil (see Box 6).

BOX 6.

THE POWER OF THE RURAL CAUCUS IN BRAZIL

Brazil’s “bancada ruralista”, or “rural caucus”, officially identifies itself as the Agricultural Parliamentary Front (FPA), although in practice its scope may be much broader than that. The FPA represents the interests of agro-industrial sectors in the National Congress of Brazil. In the current legislature, it has 109 representatives (out of a total of 513) and 17 senators (out of 81) from various political parties, including the Workers’ Party (PT), despite the fact that the PT has historically supported the demands of the peasant movement. The caucus could be even more powerful than this suggests; specialists and journalists believe that it is also supported by members of parliament who are not official FPA members.

Those who belong to the bancada ruralista are not necessarily large landowners or agricultural entrepreneurs, although they do defend such groups in parliament, on committees, and at public events.¹¹⁵ They have influenced measures with far-reaching political and economic repercussions in Brazil that are harmful to family farming and rural communities, while benefiting large-scale farmers and agricultural exporters. They have systematically blocked any government action aimed at expropriating rural properties that are not fulfilling their social function, as established in the Brazilian constitution. They also reject the demarcation of indigenous and Afro-descendant territories, and have been pushing for the approval of public funds to develop infrastructure and rural credit for industrial agriculture.

Recently, the bancada ruralista has used its influence to reduce the protection of primary forests under Brazil’s Forestry Code.¹¹⁶ It has also tried to change the official definition of “slave labor”, in order to exclude some aspects, such as degrading conditions and debt bondage, which according to the UN could lead to a reversal of the progress made and a rise in impunity.¹¹⁷ Similarly, their actions have contributed to criminalizing movements engaged in the struggle for land, by proposing bills to limit rights, creating committees to investigate the actions of civil society organizations,¹¹⁸ and making public statements describing land occupations as “terrorist acts”.¹¹⁹

Another way of influencing public policy is through business associations that represent the interests of groups that hold power in the management bodies of institutions responsible for agrarian, fiscal, commercial or financial policies. In Paraguay, corporate elites are overrepresented through business associations in public bodies, such as the Institute for Rural Development and Land Rights (INDERT), the National Development Bank, and the National Council of Science and Technology. Consequently, they are able to block expropriation processes, and channel public funds for credit and investment in technology towards their own sectors.¹²⁰

Meanwhile, the “revolving door”¹²¹ phenomenon makes it possible for people to move between positions of responsibility in public institutions and managerial or advisory roles in the private sector. For example, Rubén Darío Lizarralde became Colombia’s Minister of Agriculture and Rural Development in 2013 after 19 years as the manager of Indupalma. This company was involved in one of the cases of irregular accumulation of state land (“baldíos”), into which the Office of the Comptroller General ordered investigations.¹²² Unsurprisingly, since he has been in office, Lizarralde has pushed through a bill for the creation of Zones of Interest for Economic and Social Development in Rural Areas (ZIDRES), which serves to legalize the concentration of such state lands.¹²³

However, political capture is not limited to the national sphere. International actors can also use their influence to protect their interests, even at the expense of the rights of the people affected by their activities. Free trade and investment agreements offer a clear example of this, as analyzed below.

4.4 PROTECTION OF INVESTMENTS THROUGH INTERNATIONAL AGREEMENTS

The exploitation of natural resources in Latin

America is financed by large international capital flows. Between 1998 and 2007, direct foreign investment in extractive industries grew by an average of 26 percent each year. This growth has been particularly fast in countries like Peru, where new hydrocarbon and mineral deposits have recently been discovered.¹²⁴

In order to attract that investment, countries agree to relinquish control of their strategic resources, and sign international free trade and investment agreements designed to protect the interests of corporations, accepting a loss of sovereignty, and relaxing the protection of individuals’ rights.¹²⁵ More than 250 free trade agreements, and over 3,000 bilateral investment treaties, have been signed worldwide¹²⁶ enabling companies and investors to file lawsuits against a state before an international arbitration tribunal—without the need to go through national courts—for having taken measures that could affect their investments or future profits, even if those measures are in the public interest.¹²⁷

The number of such lawsuits has increased dramatically, from six cases worldwide in 1995 to 696 in 2015. In 2015, Latin American countries were the respondents in a third of all cases before one of these arbitration tribunals, the International Centre for Settlement of Investment Disputes¹²⁸ (ICSID). The countries with most cases against them were Argentina, Mexico, Ecuador, and Venezuela.¹²⁹

Ecuador has been sentenced to pay more than a billion dollars plus interest to the US oil company Occidental Petroleum (Oxy) for having cancelled an operating contract in 2006.¹³⁰ Colombia is threatened with three lawsuits by the Canadian companies Eco Oro Minerals Corp. and Cosigo Resources Ltd., and the US Tobie Mining and Energy Inc., for denying permits for mining exploitation as a result of protests by indigenous populations and environmental groups.¹³¹

The risk of multimillion dollar fines may weaken the already limited will of many governments to uphold the rights of local communities to land. In 2010, although the Inter-American Commission on Human Rights (IACHR) asked the government of Guatemala to suspend operations at the Marlin mine after protests from the indigenous communities affected by it,¹³² the government never cancelled the concession. A year earlier, the government of El Salvador had been sued by Pacific Rim Mining Corporation under a free trade agreement between the United States and Central America for not granting it a permit for gold mine exploitation. In that case, after over seven years under threat of being fined over \$300m, the ICSID tribunal ruled unanimously in favor of El Salvador, partly as a result of public pressure campaigns.¹³³ In the case of the Santa Ana mine in Peru, where operations were suspended by the government in 2011, a lawsuit filed by Canadian investors under the free trade agreement between Canada and Peru is still under arbitration.¹³⁴

Furthermore, investment agreements tend to include clauses that, in the event of expropriation, obligate states to compensate investors at market prices, even when the land was acquired for a much lower price, or when its legitimate occupants had been evicted. This delays the restitution of ancestral lands to indigenous peoples, as governments cannot always afford the expropriation costs.¹³⁵ The latter occurred in the case of the Sawhoyamaya community in Paraguay, which had to wait more than two decades for Congress to pass a law for the expropriation of land to enable restitution in line with the ruling of the Inter-American Court of Human Rights.¹³⁵ However, the cattle companies affected have challenged the law's constitutionality in court based on the how the expropriation value was determined, and are demanding compensation that the government cannot afford.¹³⁷

Some countries in the region have taken steps to protect themselves against the abusive conditions imposed by such international investment agreements. For example, Ecuador has amended its constitution to prohibit the use of instruments that might affect its sovereignty in the international arbitration of disputes with individuals or corporations. Along with Ecuador, Bolivia and Venezuela have withdrawn from the ICSID.¹³⁸

Mechanisms that allow international companies to file lawsuits against states before international arbitration tribunals are harmful to the public interest. However, as long as they exist, and to prevent the abuse of corporate power in international spaces, the institutions that oversee implementation of the agreements must also apply strict controls to ensure compliance with international human rights norms, as well as with labor, environmental and social standards, including the application of sanctions on investors and states that fail to comply with them.



5.

RURAL MAJORITIES: BETWEEN NEGLECT AND PERSECUTION

2015 was the worst year in the history of Latin America for human rights defenders, with the region accounting for 122 of the 185 activists murdered worldwide.¹³⁹ More than 40 percent of these cases were related to the defense of land and territory, the environment, and/or indigenous rights.¹⁴⁰

The expansion of extractive activities has led to an increase in land disputes, and an alarming rise in violence against those who defend the resources and rights of women, indigenous, Afro-descendant, and peasant communities. These vulnerable groups are marginalized, persecuted, attacked, and criminalized for defending their right to land, and resisting activities that undermine their livelihoods, health, and environment.¹⁴¹ The conflict between the interests of privileged sectors, bolstered by policies tailored to them, and the rights of the rural majority excluded from the benefits of the extractivist model has led to a human rights crisis in the region, which threatens the protection of fundamental rights and freedoms.¹⁴²

The use of violence and repression against these groups contrasts with the lack of attention given to the problem by governments, as demonstrated by the acute financial crisis of the IACHR, which is the main body of the inter-American system that oversees the fulfillment of human rights.¹⁴³ Often, this violence against the weakest members of society is not only normalized, but is tolerated and even justified based on deeply patriarchal and discriminatory cultural norms.



5.1 WOMEN ON THE FRONTLINE

Women suffer especially from losing access to land and natural resources, which represent their family's livelihood. They play a fundamental role in struggles for land. Women and their children tend to lead marches and resist evictions, and it is women who feed and care for groups during land occupations.

Unfortunately, however, women are often excluded from negotiation processes by institutions, and sometimes even their own colleagues. In Guatemala, no women were initially included in the farmers' committees that managed the handover of land to families evicted from the Polochic Valley, and only men's names were recorded on the title deeds issued. Nonetheless, some progress has recently been made, such as the appointment of a woman as the legal representative of the organizational structure created to receive the handover of a property the community has called Polochic II.¹⁴⁴

The patriarchal culture that prevails in Latin America leads to women being the victims of stigmatization, hostility, repression, and violence for challenging cultural, social and religious norms.¹⁴⁵ Specific forms of violence are used against them, such as sexual harassment, verbal abuse based on gender prejudices, and

harassment of their families. Such repressive actions also seek to provoke the moral condemnation of women by others in their communities, to undermine their leadership and keep them relegated to the domestic sphere, in a state of subordination. An analysis of several mining conflicts in Guatemala made it possible to identify different criminalization strategies—including the use of physical and psychological violence as punishment for breaking with imposed gender roles, or the stigmatization of female leaders and their families—and how these impact women's lives.¹⁴⁶ Imprisonment separates women from their children and other people under their care, and destabilizes family life.

The increasingly frequent intervention of military, police, and private security to contain resistance to extractive activities seriously affects the wellbeing of women, and jeopardizes their safety. Given the particularly vulnerable context in which they live, the situation is grave for indigenous women, and women of African descent.

The recent murder of Berta Cáceres in Honduras was a brutal reminder of the extreme vulnerability of female human rights defenders (see Box 7). Widespread impunity, and the lack of access to justice mean that the majority of such crimes are not even reported, making it difficult to know the real scale of the problem.

BOX 7.**HONDURAN WOMEN IN THE LINE OF FIRE**

At least 109 environmental activists were murdered in Honduras between 2010 and 2015 for standing up to corporate interests, making it the most dangerous country in the world in which to defend nature.¹⁴⁷

Because of its national and international repercussions, the killing of environmental activist and human rights defender Berta Cáceres on March 2, 2016, was a landmark in the struggle for land. Berta's activism at the head of the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH) received international recognition, when she was awarded the Goldman Environmental Prize. However, in her own country, she faced continuous death threats and trumped up legal charges. For a decade, Berta led the resistance against the Agua Zarca hydroelectric project on the Gualcarque River, which would have affected the ancestral lands of Lenca indigenous communities, yet had not conducted any prior consultation process.

This created a tense and highly conflictive situation that resulted in threats, harassment, criminalization, and even killings. The company responsible for the project is Desarrollos Energéticos SA (DESA), which is financed by the Central American Bank for Economic Integration, the Dutch Development Bank and the Finnish Development Bank. To date, six people have been arrested in connection with Berta's murder, some of whom have direct links to the company developing the project (prompting the Dutch bank to seek options for its withdrawal).¹⁴⁸

Two years earlier, Margarita Murillo, one of the most experienced and recognized social activists in Honduras, was killed. She had been involved in the peasant movement for forty years, defending land and human rights on the country's north coast. Like Berta, her activism against the powerful had placed her in the line of fire—she had received constant death threats that were finally followed through. Despite the "precautionary measures" that the IACHR had requested the government take to ensure her safety, she had not been afforded any protection, and her murder remains unpunished.

Rather than protecting the population and enforcing international law, the Honduran judicial authorities and law enforcement agencies sometimes engage in intimidation and attacks against peasant organizations, and land and human rights defenders. Consequently, the Inter-American Court of Human Rights has found the Honduran state guilty of several offences.¹⁴⁹ Between 2010 and 2012, more than 684 peasant women were charged in 15 departments of the country for demanding their rights, and by 2013, a total of more than 700 court cases had been filed against women involved in various land struggles.¹⁵⁰

Cases like those of Berta, Margarita and many others have led the IACHR to urge the Honduran government to immediately adopt all measures necessary to guarantee the right to life, integrity, and security of human rights defenders in the country.¹⁵¹ Human rights organizations consider these cases to be symptoms of a systematic assault on the most remote indigenous communities due to the complicity between the government and corporations.¹⁵²

To highlight the historical role played by peasant, indigenous and Garifuna women, feminists, and female human rights defenders in response to the surge in natural resource exploitation projects in Honduras, in September 2016, 29 national organizations launched a public campaign called "Women Defenders of Mother Earth". The campaign demands: the cancellation of DESA's concession for the Agua Zarca hydroelectric project; ensuring free, prior and informed consent of indigenous and Afro-Honduran communities before the granting of concessions for exploitation projects in their territories and communities; and for the right of access to land to be handled as a civil rather than a criminal matter.

5.2 INDIGENOUS PEOPLES AND AFRO-DESCENDANTS FIGHTING FOR THEIR RIGHT TO TERRITORY

“The impunity with which indigenous activists have been murdered must end. It is urgent that governments around the world take immediate action to protect indigenous rights activists peacefully protesting for legal rights to their own lands and territories.”¹⁵³

With those words, the UN Special Rapporteur on the Rights of Indigenous Peoples urged the world’s governments to prevent violence against those who defend their rights to land in the face of the advance of activities that destroy their livelihoods, cultures, and the forests on which all our futures depend.

A third of land granted in concessions for mining, oil, agro-industrial or forestry exploitation in Latin America—and other regions of the world—belongs to indigenous peoples. In Argentina, 84 percent of concessions for soybean production are in indigenous territories. The expansion of mining and petroleum activities in Colombia, Ecuador, Bolivia, Peru, and Chile is giving rise to increasingly frequent and intense conflicts with indigenous peoples, because such activities either directly impact their territories, or affect the water sources on which they rely.¹⁵⁴ Meanwhile, in Colombia, banana and oil palm plantations have been established on lands from which Afro-Colombian communities have been violently evicted (see Box 8).

All the countries in the region have signed the United Nations Declaration on the Rights of Indigenous Peoples,¹⁵⁵ and are subject to the case law of the inter-American human rights system. With the exceptions of El Salvador, Panama and Uruguay, they have also ratified International Labour Organization Convention 169 on indigenous and tribal peoples. These legal instruments recognize indigenous peoples¹⁵⁶ as the owners of the territories that they have historically

occupied, as well as of the resources contained therein. They also oblige governments to guarantee the recognition, titling and demarcation of those territories, as well as to undertake consultation processes with indigenous peoples to obtain their free, prior and informed consent before adopting any legislative or administrative measures that could affect them, including the necessary legal guarantees and protections.¹⁵⁷

However, in practice, these rights are far from being a reality. Demarcation and collective titling processes are progressing at an extremely slow pace, or have come to a complete halt, supposedly due to a lack of funds.¹⁵⁸ In Peru, indigenous communities must overcome 27 bureaucratic hurdles and wait a decade to obtain legal recognition of their territory, while it would take a company just seven steps and less than three months to obtain a mining or forestry concession. It is therefore unsurprising that, between 2007 and 2015, only 50 titles were approved for indigenous territories, while more than 35,000 mining concessions were granted.¹⁵⁹

Of the 185 killings of land and environmental defenders recorded worldwide in 2015, 67 were from indigenous communities. The majority were related to mining, hydroelectric, forestry and agro-industrial activities.¹⁶³ Brazil recorded the most killings of rights defenders in 2015, with 50 cases. That figure is higher than any other year, and double that of the previous year. This problem seems to be on the rise, as in the first

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BOX 8.**LAND DISPOSSESSION AND THE ADVANCE OF OIL PALM IN COLOMBIA**

In 1993, the Afro-Colombian communities of Bajo Atrato, in Colombia's western region of Urabá, received collective titles that legally recognized their ownership of the lands they had occupied for generations. Yet that did not stop more than 15,000 people being evicted by paramilitary groups and bombings by the army just three years later, justified under the war against guerrillas. The attacks continued, with a total of 13 massive forced displacements and 115 killings by 2003.

Oil palm and banana producers moved onto the land that had been violently grabbed—protected by military squadrons and private security forces, and financed with millions of dollars in public subsidies. Many of those businessmen are now being tried for their part in the dispossession of the land, and some have been convicted as responsible for forced displacements and the invasion of areas of ecological importance.

In 2003, the Inter-American Court of Human Rights ordered the Colombian government to take immediate measures in favor of the displaced communities, expressing particular concern about agricultural operations on collective lands in Jiguamiandó and Curvaradó.¹⁶⁰ However, the territories have not yet been returned to their legitimate owners.

Indigenous peoples in the east of the country have endured a similar situation due to the expansion of oil palm plantations. One of the companies that has led this expansion in the department of Meta is Poligrow. Reports by the government and human rights organizations have documented how Poligrow has occupied land grabbed from the Jiw and Sikuni indigenous groups, who depend on it for their subsistence way of life, which is based on hunting and fishing.¹⁶¹ The Colombian Land Restitution Unit has ordered that the land be returned to those communities, but the presence of armed groups, which have already killed two community members, has prevented the order being carried out.

SOURCE: Text written by the author based on various sources.¹⁶²

four months of 2016, a further 24 people were killed.¹⁶⁴ The majority took place in the state of Mato Grosso, where there are conflicts with loggers, ranchers, and soybean farmers.¹⁶⁵ However, Brazil is not alone. In Colombia, between 2010 and 2015, indigenous peoples suffered the highest proportion of killings of rights defenders.¹⁶⁶ In Paraguay, the Ayoreo-Totobiegosode people are in danger of disappearing due to deforestation of their

ancestral lands, which have not yet been demarcated, by cattle ranchers, whose security guards are believed to have killed seven protesters in 2015.¹⁶⁷ Despite the IACHR's recommendations to the Paraguayan government to curb deforestation, there has been a proliferation of agencies online offering to purchase thousands of hectares of natural forests for conversion into cattle ranches.

The right of indigenous peoples to make decisions about their territories only exists on paper since, in practice, the vast majority of investments are imposed on the affected populations. The IACHR recently warned that the rights of indigenous and tribal peoples are increasingly being affected in the context of extraction, exploitation and development activities, and drew attention to the failure of states to fulfill their obligations relating to the right to consultation and free, prior and informed consent.¹⁷⁰

In Ecuador, for example, the entire Achuar territory has been allotted for oil extraction concessions, despite opposition by the population affected.¹⁷¹ In Peru, 90 percent of the territory of the Kañari community is reportedly occupied by mining concessions of varying sizes, which were not submitted to prior consultation.¹⁷² Meanwhile, in Guatemala, the El Tambor mine continues to operate illegally, even though its license has been suspended for failure to respect this right (see Box 9).



5.3 PEASANT COMMUNITIES IN RESISTANCE

The growth of the extractivist model is increasingly squeezing out peasant populations, who resort to land occupations and other forms of

mobilization to demand their right to land in the struggle against sectors with much greater political representation. In doing so, they risk being assaulted, attacked or harassed by state forces, private security services, or criminal gangs in the service of economic interests.

BOX 9.

THE EL TAMBOR MINE CONTINUES TO OPERATE ILLEGALLY IN LA PUYA, GUATEMALA

There have been protests against the El Tambor mine, better known as La Puya, since its inception. In 2010, the communities affected reported that operations were taking place without their consent in the municipalities of San Pedro Ayampuc and San José del Golfo, in the Guatemala Department of Guatemala. Without prior information, or consultation with local residents, the government issued a 25-year license to the company Exploraciones Mineras de Guatemala (EXMINGUA), a subsidiary of the US company Kappes, Cassidy & Associates (KCA), for the open-pit mining of gold and silver.

The communities of La Puya mobilized to express their opposition to the mine, and their concerns about its impacts on their livelihoods, water, and environment. As a result of this community resistance, Guatemala's Supreme Court of Justice ordered the temporary suspension of EXMINGUA's license to operate the mine. This ruling granted the injunction requested by the Center for Legal, Environmental and Social Action (CALAS) on the grounds that the right to consultation of the affected population had not been respected.¹⁷³ In June 2016, the Supreme Court of Justice decided to permanently suspend the permit.¹⁷⁴

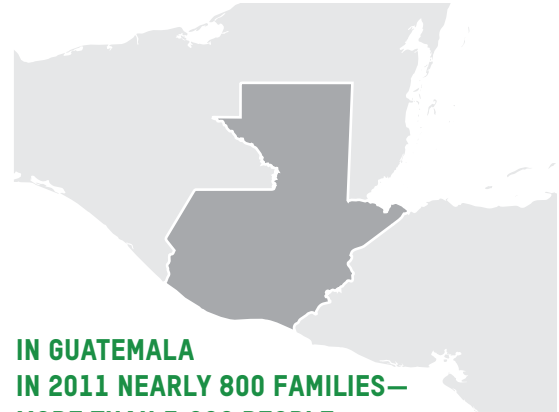
Human rights groups have warned of the ongoing intimidation, threats, and excessive use of force to which local communities have been subjected over the years. In 2014, a violent police eviction at the entrance to the mine left 26 people seriously injured; in March 2016, several demonstrators who had gathered in front of the Ministry of Energy and Mines were run over by a vehicle that then sped off.

Even though the mine is not authorized to operate until a consultation process has been carried out, the communities have reported that the company is continuing to illegally extract gold and silver. Meanwhile, its president, Dan Kappes, has published paid advertisements in major newspapers accusing those who oppose a "project that has revitalized the family and economic life of the towns" of being "enemies of the state" and "terrorists who should be arrested".¹⁷⁵

In Colombia, illegal paramilitary groups are responsible for two thirds of attacks and killings of rural human rights defenders.¹⁷⁶ The contradiction between government land restitution policies, and the promotion of areas for agro-industrial development and large-scale mining has heightened the risks for community leaders working to defend territorial rights.

In Guatemala, in March 2011, nearly 800 families—more than 3,000 people—from fourteen communities in the Polochic Valley were violently evicted from lands they had been farming for generations when the Widman family decided to expand its sugar cane plantation. Their houses and crops were burned by military forces and police, along with company employees, and one peasant farmer was killed as a result, according to the Office of the United Nations High Commissioner for Human Rights.¹⁷⁷ After five years of struggle, only 221 families have received land, while 548 are still waiting. The living conditions they now face are very tough, as they still do not have access to basic health services, education or food. No-one has been tried or sentenced for the crimes committed during the eviction.¹⁷⁸

In Paraguay, the Curuguaty massacre changed the course of the country's political history. Hundreds of landless families had occupied the state-owned Marina Kue property, which had been fraudulently taken over by Blas N Riquelme—a powerful landowner, businessman, and politician. An attempt by heavily armed police to evict those families in June 2012 resulted in the tragic deaths of 11 peasant farmers and six police officers, and led to the impeachment of President Fernando Lugo a few days later. Eleven farmers were recently convicted in relation to the death of the police officers, with four of them handed sentences of between 18 and 35 years' imprisonment following a trial marred by irregularities and lack of due process.¹⁷⁹ However, no one has been investigated or tried for the deaths of the 11 farmers; the General Prosecutor



**IN GUATEMALA
IN 2011 NEARLY 800 FAMILIES—
MORE THAN 3,000 PEOPLE—
WERE VIOLENTLY EVICTED FROM
LANDS THEY HAD BEEN FARMING
FOR GENERATIONS.**

has failed to offer any explanation for this, and has not provided clarification on the suspected alteration of the crime scene or on allegations of torture and other mistreatment of peasant farmers in police custody.¹⁸⁰

In Honduras, the Bajo Aguán region has been the scene of joint action by state forces and private security services to evict hundreds of families settled on land that, after having been allocated to peasant farmers under the Agrarian Reform Law, was subsequently acquired by private companies by means of pressure tactics. Between 2008 and 2013, 89 peasant farmers were killed in conflicts with the oil palm industry, which has expanded in this region.¹⁸¹ According to the IACHR, the number of deaths, threats, intimidations, and violent evictions against small farmers has increased since the 2009 coup d'état, in the context of growing militarization.¹⁸² The last two deaths occurred as this report was being completed in October 2016. Land rights activists José Ángel Flores and Silmer Dionisio George, the president and a member, respectively, of the Unified Peasant Movement of the Aguán, had both been granted "precautionary measures" by the IACHR, yet were shot several times as they were leaving a meeting with a group of peasant

farmers. The IACHR considers it a serious failing that the Honduran government had not taken the necessary measures to protect their lives, given the context of violence against farmers' organizations in the Bajo Aguán region.¹⁸³

Polochic Valley, Curuguaty, Bajo Aguán, and many other scenes of conflict have become symbols of peasant farmers' resistance to powerful landowners backed by complicit states that—instead of protecting the rights of the population and enforcing the law—resort to the excessive use of force, and the abuse of justice systems to contain social protest.

The growing persecution and criminalization of indigenous and small-scale farming communities, the men and women who defend their land and natural resources, is part of a strategy of repression applied throughout Latin America. Common tactics can be identified across the region, such as the militarization of territories using states of exception more frequently, involving private security agents and criminal groups alongside police and military forces in evictions, and the manipulation of the judicial systems to discredit social protest. While these repressive actions are not always instigated by governments (businesses or large landholders may lead the attacks), they are often carried out with the complicity of governments.

Thanks to collective action, there is now more information and attention than ever on the rights violations and environmental damage caused by extractivism. Yet, never before have the lives of activists, journalists and human rights defenders been so at risk.

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

which is so crucial for indigenous and peasant communities.

To combat impunity, the region's governments must implement prevention and protection mechanisms to end all forms of violence and criminalization against indigenous, Afro-descendant, and peasant leaders, as well as against land and human rights defenders. In addition, it is necessary to guarantee access to justice by ensuring the independence and impartiality of judicial officials and institutions, as well as proper investigation, punishment, and reparation for human rights violations committed in contexts of land investment, and natural resource extraction and exploitation activities.



6.

PUBLIC POLICIES: IN WHOSE INTEREST?

A basic principle in the exercise of political power is that democratic governments must always act in the general interest. But what this means in practice varies. A state, for example, may award a concession to a private company to mine minerals from the subsoil of an indigenous territory with recognized rights. In many cases, the affected populations may lose their territory and livelihoods, or their health and environment may be seriously damaged in exchange for few, if any, benefits. Nonetheless, this sacrifice can be justified by the “national interest”, as it is expected that the project will contribute to economic growth.

Following this same logic, the constitutional framework in countries like Brazil,¹⁸⁴ Bolivia,¹⁸⁵ and Ecuador¹⁸⁶ allows each state to expropriate privately owned land if it is not fulfilling its social, economic, and environmental function. This prevents the unproductive accumulation of a limited resource like land, and ensures that it contributes to development. However, private land rights tend to enjoy greater protection than collective land rights, and the general interest does not always prevail over individual interests. It is much more likely that a community will be displaced to give way to an extractive industry than that a large landowner will have his land expropriated in order to redistribute land to small-scale farming families.

Every public policy decision is the result of this balance of interests. Regardless of their political persuasion, some governments in the region have prioritized the large-scale exploitation of natural resources as the main driver of their economies. To this end, they have designed a series of benefits and facilities for investors, while ignoring the needs of rural sectors marginalized from development, even though these latter have rights to land and resources. They even resort to repression in response to the growing social rejection of this extractivist model.





PHOTO: PABLO TOSCO

6.1 FACILITATING LAND CONCENTRATION

Nowadays, land concentration is practically considered a prerequisite for achieving economies of scale and organizing production in the most modern and technical way possible.¹⁸⁷ Based on a series of preconceived ideas that equate scale with productivity, states have reduced their regulatory interventions to let the market allocate land for the most “efficient” use.

Thus, the limits on land ownership that some countries had introduced to avoid land grabbing have been relaxed. In Bolivia, the 2009 constitution introduced a property limit of 5,000 hectares, but it is not applied retroactively so does not affect large estates created before that year. Furthermore, the law can be easily circumvented by setting up a corporation with various partners, since the limit applied can be multiplied by the number of partners.¹⁸⁸

In the case of Argentina, the government of Mauricio Marci has lifted the limits on foreign ownership introduced in the 2011 Land Law.¹⁸⁹ It is calculated that six percent of the country’s national territory is in the hands of foreigners—approximately 16 million hectares—a million of which is in the name of companies or individuals registered in tax havens.¹⁹⁰

With the aim of attracting investments to convert marginal regions into agricultural, forestry or livestock development centers, many governments in the region have put in place incentives, and facilitated the process of accumulating land. A controversial law recently passed in Colombia to create agro-industrial development areas, where the land concentration limits applicable to state land do not apply, is a clear illustration of this type of policy (see Box 10).

Similarly, in 2013, the National Congress of

BOX 10.**LEGAL MANEUVERS FACILITATING LAND CONCENTRATION IN COLOMBIA**

In Colombia, state land (referred to as “baldíos”) can only be allocated to those who do not own other properties, and whose income does not exceed a certain threshold; moreover, the accumulation of such land over the size of the “family farming unit” is expressly prohibited.¹⁹¹ However, purchases of land through shell companies and other types of legal maneuvers have been used to enable national and international companies, including a previous subsidiary of the multinational Cargill,¹⁹² to acquire a total of 2.5 million hectares over the past 30 years by irregular means.¹⁹³

President Juan Manuel Santos sees this cap on accumulation as a “bureaucratic limitation that is holding back the take-off of agriculture,” and he tried to scrap it on at least five occasions without success.¹⁹⁴ Finally, while negotiations were underway in Havana for a peace agreement that included measures to reduce land concentration, in Bogotá, the Law on Zones of Interest for Economic and Social Development in Rural Areas (ZIDRES) was passed, enabling national and transnational corporations to access unlimited areas of land through concessions or rental.

The ZIDRES law, defended by the government as “one of the most valuable tools for agricultural development, productivity and legal security,” is facing several lawsuits challenging its constitutionality, on the grounds that it strips small farmers of recognized rights, and that it failed to carry out the compulsory prior consultation process with ethnic communities.¹⁹⁵ The Office of the Comptroller General has also spoken out against it, saying that it “legalizes a type of harm to the patrimony involving improper appropriation and accumulation of baldíos”.¹⁹⁶ It is hoped that the Constitutional Court, which invited various actors to express their views at a public hearing in September 2016, will issue a resolution by the end of 2016.

Meanwhile, powerful economic interests have defended this law. They include the richest and most influential man in the country, banker Luis Carlos Sarmiento, whose business group is believed to be among those that illegally acquired State lands in the Altillanura region, together with two former agriculture ministers who promoted the law, Rubén Darío Lizarralde and Aurelio Iragorri.¹⁹⁷

However, this opening up of rural Colombia to investors is at odds with the constitutional protection of the peasant population’s right to land. The first attempt to establish a ZIDRES was suspended after a recent Constitutional Court ruling regarding the 27,000-hectare El Porvenir property in Meta Department. The judgment recognized the rights of the peasant farmers claiming that land, who have used it collectively for more than 45 years, during which time they have been subjected to acts of violence and killings by illegal armed groups. The court ordered the recovery of the disputed baldíos, which is currently occupied by a cattle company that continues to harass the peasant families. It also ruled that, until the allocation and restitution of land to the peasant farmers has been resolved, no state policies should be implemented in the area.¹⁹⁸

Honduras passed a law for the creation of “model cities”, which go a step further than ZIDRES. These would be investment enclaves governed by a power parallel to the state, which has its own legal, fiscal, administrative, and even security systems.¹⁹⁹ The model cities would affect 24 Garifuna communities in the regions of the Sico River and the Bay of Trujillo, including some that were previously affected by forced displacements, and who have not been consulted about the plans.²⁰⁰ Numerous observers have warned of the risk of an increase in repression in those areas, and the possible loss of land rights of historically marginalized groups.

6.2 TAX BREAKS AND EXTRACTIVE ACTIVITIES

In their competition for investment and international markets, many governments have applied unfair fiscal policies that contribute to perpetuating inequality and divert resources from the public purse.²⁰²

Exemptions granted to agricultural export sectors result in a sizeable loss of income for the state. In Paraguay, the world’s fourth largest exporter of soybeans, the agricultural sector receives especially favorable treatment; as a result, the sector’s income tax contributed less than one percent of national tax revenue, despite the fact that it accounts for 12 percent of gross domestic product.²⁰³

As for the mining and oil extractive industries, even though some governments have carried out major reforms in order to capture a larger part of the profits, in general they have agreed to collect disproportionately low tax revenues, given the amount of profits these sectors generate. In Peru, even after recent tax reforms that did away with many of the tax privileges for the mining sector, and increased the fiscal pressure on it, mining corporations still enjoy benefits such as tax deductions for infrastructure investment, reimbursements for

investments in exploration, and measures for the reinvestment of profits.²⁰⁴

Taxes on land ownership, meanwhile, tend to be insignificant for three main reasons. Firstly, cadastral values are usually well below actual market values, and are not updated often enough. Secondly, taxes on rural property tend to be very low and regressive, so those who have more land do not necessarily pay more tax. Lastly, local governments, which are responsible for collecting these taxes, are often under the control of local landowning elites that can block the implementation of fairer and more efficient taxation systems.

In Brazil, a country of continental dimensions with an export sector that competes in the global market, rural property tax has been progressively reduced since the 1990s to less than 0.09 percent of national tax revenue in 2014.²⁰⁵ Low fiscal pressure also encourages the accumulation of land in Colombia, which explains why many areas suitable for agricultural use have become large unproductive estates.

Higher and more progressive taxes on land contribute to improved fiscal equity and can also give rise to other benefits, such as increased revenue collection by local governments,²⁰⁶ the allocation of land for more efficient uses, and discouraging accumulation.²⁰⁷ However, these types of measures are not free of risks, which should be carefully analyzed with a view to complementing fiscal measures with others that protect economically vulnerable groups. Many rural households use land in a way that does not necessarily generate a direct financial return, in which case increasing taxes could act as an expulsion mechanism.

6.3 DISINVESTMENT IN FAMILY FARMING

Four of every five agricultural holdings in Latin America are small family farms. It is essential to invest in these farms to reduce rural poverty

and inequality. However, the bias towards extractive and agricultural export industries in public policies has led to a neglect of investment in other sectors of the rural economy. This has been particularly marked in the case of rural women, who are systematically discriminated against in access to information, credit, and markets, and whose views and needs are not adequately incorporated into rural programs.

An analysis undertaken by Oxfam of the budgets of various countries in the region showed that, while the expansion of large-scale production was being encouraged, state credit services, agricultural insurance, and technological and commercial support geared towards indigenous and small-scale family farmers were being dismantled.²⁰⁸ Moreover, an FAO study in 19 countries in Latin America and the Caribbean revealed that, over the course of the 1990s, average public spending fell from \$225 to \$140 per farmer.²⁰⁹

All the countries in the region except Brazil and Bolivia have significantly cut investment in family farming as part of structural economic reforms, and have dismantled many of the institutions that provided services to family farmers. Nonetheless, following the political changes in Brazil in 2016, a worrying trend of reversing public policies designed to strengthen family farming can be observed.

Disinvestment especially affects indigenous peoples, who have been excluded from productive development. Bolivia has made great progress in legally recognizing indigenous territories, having granted collective titles for 20 million hectares of original community lands. However, limited access to capital, productive resources, and information means that many of those territories still have low productivity, or do not develop productive uses at all and, consequently, are constantly under threat

from peasant farmers still demanding land.²¹⁰

The failure of past agrarian reforms shows that access to land is necessary, but not sufficient. To tackle underdevelopment in rural areas, it is essential to invest in the provision of basic services, increase access to credit, information, and markets, and to include the participation of traditionally marginalized sectors in the design and implementation of public policies.

6.4 UNPROTECTED RIGHTS

The benefits and privileges enjoyed by those who engage in extractive activities contrast with the lack of protection afforded to populations whose rights are affected by those investments. States are not only failing to fulfill their duty to protect, but often play an active part in the attacks. Human rights groups have warned against heavy-handed military and police interventions to deal with the increasingly frequent and heated territorial disputes linked to natural resource exploitation activities, and manipulation of the judicial system to criminalize social protest.²¹¹

In Guatemala, hydroelectric projects have caused serious conflicts with the affected communities, whose right to be consulted is being systematically violated. The town of Santa Cruz Barillas became the epicenter of these conflicts, when violence escalated in relation to a Spanish company's project, culminating in the imposition of martial law in 2012, the first time that it had been used since the end of the internal armed conflict in 1996. In the space of a few days, dozens of arrest warrants were issued for those leading the protests, and trials were held without the minimum procedural guarantees.²¹²

Some governments do not hesitate to implement legal reforms that further tighten repressive policies against social movements. That is the case in Paraguay where, since the 2013 reform of the

National Defense and Domestic Security Act, the president can immediately deploy the army in the event of an alleged domestic threat (see Box 11).

Unfortunately, these are not isolated cases, but rather form part of a common pattern in the region. Other examples include Ecuador, where the Confederation of Indigenous Nationalities has denounced the abusive use of state of emergency declarations as a government strategy to repress social protests

in areas of mining or petroleum interest.²¹⁸ In Bolivia, the Landless Workers' Movement has in effect been crippled under the current government by Law 477, which punishes the occupation of land with penalties of between three and eight years' imprisonment.²¹⁹

The alarming rise in attacks against and criminalization of rights defenders does not only put their lives in danger, but also threatens society as a whole. As warned by

BOX 11. **REPRESSION OF "DOMESTIC ENEMIES" IN PARAGUAY**

Frustrated by the inaction of the government, peasant families in Paraguay have resorted to occupying public land that has been fraudulently acquired by cattle ranchers, soybean farmers, or forestry businesses to demand its recovery and distribution by the state, in accordance with agrarian reform legislation. In this way, they have obtained half a million hectares of land in the country's eastern region, but not without paying a high price in the form of violent evictions, criminal charges, arbitrary arrests, threats, and killings.

Between the end of the dictatorship in 1989 and 2013, the Human Rights Coalition of Paraguay (CODEHUPY) documented 115 extrajudicial executions, and two disappearances of leaders and members of farmers' organizations linked to the struggle for land, most of them at the hands of hired killers or paramilitary groups. The actual figures could be much higher, as many of these crimes go unreported.²¹³ The physical perpetrators were only convicted in eight of the cases, while none of those who ordered the killings have been convicted.

In the first two years of Horacio Cartes's government (2013-2015), 43 cases of violence and criminalization by state actors were recorded against peasant communities claiming their rights in land disputes or soybean fumigations.²¹⁴ The European Commission has criticized Paraguay for its "insufficient investigation/prosecution of the assaults and killings of human rights defenders, in particularly campesino and indigenous defenders."²¹⁵

There has been a rise in these types of attacks since the entry into force of the National Defense and Domestic Security Act, which was passed as a matter of urgency in 2013,²¹⁶ broadening the scope and powers of the armed forces to act against supposed "domestic enemies". Farmers' organizations have reported tortures, arbitrary arrests and excessive use of force by the joint task force units—made up of police and military personnel—that mainly operate in border areas where soybean farming is expanding.²¹⁷

international organizations in relation to the situation in Honduras, “violence and attacks against human rights defenders not only affect the basic guarantees owed to every individual. They also undermine the fundamental role that human rights defenders play in building a society that is more equal, just and democratic.”²²⁰

Limiting the power of elites in designing and implementing public policies, and ensuring protection of the general interest over private interests, with balanced representation in policymaking, must be a priority in the fight against inequality in the region.

CONCLUSIONS AND RECOMMENDATIONS

Land inequality has numerous dimensions, all of which are related to the concentration of power. It manifests in many forms: the lack of protection of the collective lands of indigenous, Afro-descendant, and peasant communities; fiscal policies biased towards extractivism; unequal distribution of the benefits derived from the exploitation of natural resources; and the repression of those who organize to defend their rights, and resist the advance of activities that destroy their livelihoods and environment.

Land distribution in Latin America is the most unequal in the world and continues to get worse, reaching alarming levels. In the region as a whole, one percent of farms occupy more than half of productive land. In other words, that one percent holds more land than the remaining 99 percent. At the other end of the scale, 80 percent of agricultural undertakings are small family farms pushed out to marginal areas, occupying a mere 13 percent of land.

Attempts to redistribute land ownership in the region have generally failed, because the allocation of land—which itself was limited—was not accompanied by public policies that promoted the economic development of the new owners. Such measures have often been marred by corruption, benefiting those close to the people in power, rather than those most in need. Moreover, many important advances were subsequently undone by policies that deregulated the land market and facilitated accumulation. Meanwhile, vast areas of forest, pasture, shoreline, and other communally owned resources have been grabbed from their legitimate ancestral owners, whose territorial rights are frequently violated.

As a result, distribution and control of land is now even more heavily concentrated than it was prior to the implementation of redistributive policies in the 1960s. Yet there are different forms of control over land, besides ownership. Leases, concessions, production under contract, and control of strategic value chain segments are becoming increasingly important, and have reconfigured land-related power through a complex system of commercial, political, and financial relationships.

Despite fluctuations in international commodity markets, the struggle for land continues between increasingly unequal actors. On one side are the national and international elites that control the land and influence the rules of the game to take advantage of opportunities in global markets. On the other side are the groups whose survival depends on land—peasant, indigenous, and Afro-descendant communities, and especially women—whose rights are systematically violated by displacement, loss of livelihoods, land grabs and environmental degradation.

Some national governments—regardless of their political persuasion—have sacrificed equity for a promise of economic growth, relying on an extractivist model based on the accumulation of capital, land and market power to exploit on a large scale all possible natural resource wealth. By providing tax breaks and favorable conditions for large-scale commercial activities, disregarding collective rights, and dismantling family farming support services, they have paved the way for the concentration of land.

Huge agricultural and timber plantations, extensive livestock farming, mining, and oil extraction are rapidly taking hold of the territory, reducing the amount of land left to produce food for domestic consumption, sustain rural livelihoods and ensure the future of the planet. Consequently, while the land area under production is increasing, both the land and the profits generated from it are being accumulated in fewer hands.

The land conflicts resulting from this model based on plundering natural resources and exploiting labor

have led to a human rights crisis in the region. Peasant and indigenous leaders, human and environmental rights defenders, and the populations affected by extractive activities are now more at risk than ever from the actions or omissions of governments that are implementing repressive strategies to contain growing social unrest, in order to protect the enclaves of extraction activities.

Economic elites—whose ultimate expression is large corporations and those who finance them—exert their control over land in many ways. Control of the land and its natural resources is ensured through legal and illegal capital flows, control of markets by multinational corporations, the powerful influence of business sectors over government authorities, and international agreements that protect investments.

This inequality in economic and political power threatens the wellbeing and survival of those who depend on the land and have rights over it. But it also has serious consequences for society as a whole, as it limits opportunities for long-term development and affects social cohesion, the quality of democracy, access to food, and the health of ecosystems in the region.

It is not possible to combat poverty and inequality in the region, promote inclusive growth, or achieve sustainable development without addressing the challenge of inequality in access to and control over land, particularly insofar as it affects rural women. People with rights over land must no longer be treated as an obstacle to growth, and the privileges of the few must be eliminated in order to uphold the rights of all, whether individual or collective rights.

Latin America needs a new distribution of land, as well as a new distribution of the impacts and benefits of the extractivist model, and this goal must be placed back at the center of the debate about how to overcome the challenges of the region's development.

The solution is not to return to the redistributive policies that failed in the past, by dismissing the power of the elites, and ignoring the comprehensive measures needed to promote inclusive development. Rather, bold actions are needed on a new path that prioritizes enabling access to and control over land for all the people and communities that depend on it, as well as to the necessary resources to develop decent and sustainable livelihoods, thus contributing to inclusive economic growth.

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

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

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

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

International institutions that finance development to:

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

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

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

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

1. Urgently and effectively respond to demands for access to and control over land and means of production by rural populations, taking concrete measures that contribute to the redistribution of land ownership and greater equity, and putting into practice the Guidelines on Responsible Governance of Tenure of Land;
2. Recognize rural women as full citizens and bearers of rights, who play a key role in family and national economies, and guarantee their access to land and other productive resources, which requires specific policies with a gender perspective to overcome the obstacles that prevent women from exercising their right to land;
3. Protect the collective territorial rights of indigenous and Afro-descendant communities, in accordance with the UN Declaration on the Rights of Indigenous Peoples, and facilitate progress in titling processes;
4. Guarantee the right to be consulted, by implementing legislation and mechanisms to enable any community affected by investments in land, or by natural resource extraction and exploitation activities, to give or withhold its free, prior and informed consent;
5. Limit the power of elites and their ability to influence the design and implementation of public policies through an effective regulatory framework that balances political representation, and protects the public interest;
6. Promote economic and investment policies that foster balanced and diversified economic growth, prioritizing territorial development, respect for the environment, job creation, and the regulation of working conditions, while also establishing a regulatory framework to ensure a more equitable distribution of the benefits resulting from indirect forms of landholdings, such as land rental arrangements, and production and storage contracts;
7. Prevent the negative impacts of natural resource extraction and exploitation activities with stringent regulations that reflect international standards; stricter controls on their environmental,

social, and cultural impacts; and limiting or prohibiting activities that infringe the rights of the communities and peoples affected;

8. Establish tax systems that ensure fair taxation in relation to land ownership and the benefits derived from land use, and discourage the accumulation of land for speculative purposes;

9. Combat impunity by implementing prevention and protection mechanisms to end all forms of violence and criminalization against indigenous, Afro-descendant, and peasant leaders, as well as against land and human rights defenders;

10. Guarantee access to justice by ensuring the independence and impartiality of judicial officials, and the proper investigation, punishment, and reparation of human rights violations committed in contexts of land investment, and natural resource extraction and exploitation activities.

Finally, Oxfam encourages social movements in the region to continue demanding fulfillment of all their rights, and speaking out when those rights are not fulfilled, and to exercise the right to oversee and participate in legitimate consultation processes, which should be extended to all stakeholders.

Oxfam will continue to support them in their just fight for the right to land and territory, with the aim of moving towards societies without extreme inequality, where the privileges of the few do not supersede the rights of all, and where the resources, opportunities, and benefits of development are better distributed.

**APPENDIX:
METHODOLOGY FOR
CALCULATION OF THE
LAND HELD BY 1%
OF FARMS**

To work out how much land is occupied by the largest one percent of farms, a statistical analysis was undertaken of data provided by national agricultural censuses, except for Bolivia, where a national agricultural survey from 2008 was used. In Bolivia, a census was carried out in 2013, but the database is not available for public consultation, and the published results are insufficient to perform the calculation.

The difference between an agricultural census and a survey is that, while censuses cover the whole national territory and all agricultural holdings, surveys are performed on a sample of holdings.

Oxfam's analysis was based on the most recent national agricultural censuses (or surveys) available, the oldest being that of Ecuador (2000) and the most recent being those in Costa Rica and Colombia (2014). The statistical information needed for the analysis was not available for Honduras and Panama. Therefore, the analysis was carried out on 15 countries of the region.

The statistical unit used in agricultural censuses is the **agricultural holding**, which is defined as follows:

“ An agricultural holding is an economic unit of agricultural production under single management, comprising all livestock kept and all land used wholly or partly for agricultural production purposes, without regard to title, legal form, or size. Single management may be exercised by an individual or household, jointly by two or more individuals or households, by a clan or tribe, or by a juridical person such as a corporation, cooperative or government agency. The holding's land may consist of one or more parcels, located in one or more separate areas or in one or more territorial or administrative divisions, providing the parcels share the same production means, such as labor, farm buildings, machinery or draught animals. ”

SOURCE: FAO (2007) A system of integrated agricultural censuses and surveys, Volume I: World Programme for the Census of Agriculture 2010, FAO Statistical Development Series, Rome: Food and Agriculture Organization of the United Nations.

When interpreting the data, it is important to take into account two clarifications about agricultural holdings, as they are treated in agricultural censuses:

- “Agricultural holding” refers to the various parcels that make it up, using the same means of production, such as labor, farm buildings machinery or draught animals. Therefore, geographically distant plots of land are not considered to be part of the same holding. This means that a single owner may run or own more than one holding covered by a given census.
- The agricultural holding may be managed by an individual, a household, a cooperative, a company, or a community. When several farms belong to the same person or group of people, they may be registered either as a single holding or several holdings, depending on location and other factors.
- In Peru, some communal indigenous or peasant holdings can be very large, mainly made up of natural pastures, and it was not possible to distinguish these from private farms in the land concentration analysis. For Colombia, the published results offer a breakdown by holding size, both including and excluding indigenous territories; therefore, the data excluding indigenous territories were selected for the analysis of land held by the largest one percent of farms. In Bolivia, where the 2008 agricultural survey was used, according to the national experts consulted, most holdings within indigenous territories are managed individually.

TABLE A1.

**PERCENTAGE OF LAND HELD BY 1% (OR APPROXIMATELY)
OF FARMS THAT ARE LARGEST AND SOURCE OF THE DATA**

Country	% of farms		Source for % of land
Argentina	0.94	35.93	Author’s calculation based on tables from the 2002 National Agricultural Census (INDEC)
Bolivia	1.00	65.72	Author’s calculation based on the 2008 National Agricultural Survey database (INE)
Brasil	0.95	44.42	Author’s calculation based on tables from the 2006 National Agricultural Census (IBGE)
Chile	0.89	74.49	Author’s calculation based on tables from the 2007 National Agricultural Census (INE)
Colombia	0.4	68.60	Author’s calculation based on tables from the 2014 National Agricultural Census
Costa Rica	1.00	33.89	Calculation by the National Institute of Statistics and Census (INEC) upon request, based on the 2014 National Agricultural Census
Ecuador	1.00	22.62	Author’s calculation based on the 2000 National Agricultural Census database (INEC)
El Salvador	1.00	28.60	Author’s calculation based on the 2008 National Agricultural Census database (MEC)
Guatemala	1.00	47.96	Author’s calculation based on the 2003 National Agricultural Census database (INE)
Honduras			Not available
México	1.00	56.02	Calculation by the National Institute of Statistics and Geography (INEGI) upon request, based on the 2007 census
Nicaragua	1.00	24.63	Author’s calculation based on the 2011 National Agricultural Census database (INIDE/MAG)
Panamá			Not available
Paraguay	1.00	71.30	Calculation by the Ministry of Agriculture and Livestock (MAG) upon request, based on the 2008 National Agricultural Census
Perú	1.06	77.03	Author’s calculation based on tables of the 2012 National Agricultural Census (INE)
Uruguay	1.00	18.69	Cálculo propio a partir de base de datos del CNA 2011 (MGAP)
Venezuela	0.95	40.48	Author’s calculation based on tables of the 2007/08 National Agricultural Census (INE)

The following methodology was used to obtain the necessary data to calculate the land held by the largest one percent of farms (see Table A1):

1. Where possible, complete databases were obtained and used to calculate the exact result for the one percent of farms that are the largest (possible for Bolivia, Ecuador, El Salvador, Guatemala, Nicaragua and Uruguay).
2. Where the database was not made available, a direct request was made to the national institution that produces the census to request it provide the calculation of the one percent of farms that are largest (as was the case for Costa Rica, Mexico and Paraguay).
3. In cases where no reply was received from the official national institution responsible, the figure closest to one percent for the largest farms was calculated based on the publicly available tables in which production units are classified by size (as was the case for Argentina, Brazil, Chile, Colombia, Peru and Venezuela).

Depending on the country, the source may be the author's calculation based on the complete databases, the tables publicly available or the data provided by the institutions that produce the censuses (see table A1). In the cases of Honduras and Panama, neither the databases nor tables with census data were publicly available, and the information was not provided upon requests made directly to the institutions responsible.

TABLE A2.

NATIONAL AGRICULTURAL CENSUSES CARRIED OUT IN LATIN AMERICA

Country	Prior census	Most recent census	Area covered by census (thousands of hectares)	National territory (thousands of hectares)	Total rural area (thousands of hectares)	% of rural land surveyed in the census	Institution responsible
Argentina	1988	2002	174,809	273,669	269,027	65.0%	INDEC
Bolivia	1984	2013	34,655	109,858	N. D.	N. D.	INE
Brasil	1996	2006	329,941	835,814	824,143	40.0%	IBGE
Chile	1997	2007	29,782	74,353	70,942	42.0%	INE
Colombia	1971	2014	111,515	114,175	111,515	100.0%	DANE
Costa Rica	1984	2014	2,406	5,106	4,648	51.8%	INEC
Ecuador	1974	2000	12,356	24,836	24,446	50.5%	INEC
El Salvador	1971	2007	883	2,072	1,635	54.0%	MAG
Guatemala	1979	2003	3,751	10,716	10,357	36.2%	INE
Honduras	1993	2008	N. D.	11,189	10,815	N. D.	INE
México	1991	2007	112,349	194,395	183,142	61.3%	INEGI
Nicaragua	2001	2011	6,012	12,034	11,569	52.0%	INIDE
Panamá	2001	2011	2,699	7,434	7,171	37.%	DEC
Paraguay	1991	2008	31,087	39,730	N. D.	N. D.	MAG
Perú	1994	2012	38,742	128,000	125,634	30.8%	INEI
Uruguay	2000	2011	16,357	17,502	16,873	96.9%	MGAP
Venezuela	1997	2007	27,074	88,205	86,822	31.2%	INE
TOTAL			934,418	1,949,088	1,758,739	53.1%	

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ENDNOTES

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- [1] Bárcena, A. and Byanyima, W. (2016).
- [2] Oxfam (2015a).
- [3] See, among others, Deininger, K. and Squire, L. (1998).
- [4] Easterly, W. (2006).
- [5] The study refers specifically to productivity per agricultural worker. It shows how, in South Korea, which has much more equitable land distribution (a Gini coefficient of 0.26), productivity per worker was more than 50 percent higher than productivity in El Salvador, which has a Gini coefficient for land of 0.80. See Vollrath, D (2004) "Land distribution and international agricultural productivity".
- [6] Kay, C (2002).
- [7] See, among others, Griffin, K et al. (2002).
- [8] Boyce, J.K. (2005).
- [9] Ding, H et al. (2016).
- [10] Between 1917 and 1992, the Mexican government expropriated approximately 100m hectares (half of all arable land) from large landowners for redistribution to rural settlers, establishing communal landholdings (ejidos) and peasant communities, where the government maintained state ownership and only granted usufructuary rights. See: FAO (2012).
- [11] The agrarian reforms undertaken in Peru by the military government of Juan Velasco Alvarado following the 1968 coup was one of the most radical in Latin America. Between 1969 and 1975, all large estates in the country, totaling around 10 million hectares, were expropriated and distributed among the laborers who worked on them, putting an end to the servile relationships that had persisted on many farms. See: Eguren, F (2006).
- [12] During the Sandinista regime (1979-1990), 25 percent of land in Nicaragua was distributed to state-owned companies, cooperatives and peasant families, although the majority of the cooperatives that benefited from the agrarian reform were later dissolved in the 1990s. See: FAO (2008).
- [13] Despite a major land distribution effort in Brazil, through which 900,000 families were settled on 84 million hectares between 1985 and 2009, the country still has one of the highest rates of concentration of land ownership in the region and worldwide. According to the FAO, the Gini coefficient for land distribution in Brazil was 0.87 in 2007, the fourth highest in the region after only Paraguay, Chile and Venezuela. See: FAO (2012).
- [14] Article 105 of the Political Constitution of El Salvador.
- [15] Umaña, F. et al. (1997) "Incidencia de los acuerdos de paz en el régimen de tenencia de la tierra en El Salvador", graduate thesis for a degree in Legal Sciences at the University of El Salvador.

- [16] For further information, see De Ita, A. (2003).
- [17] Law No. 26505 on private investment to develop economic activities on land in the national territory and land of peasant and native communities, passed on July 17, 1995, eliminated any restriction on the size of agricultural landholdings, which, until then, had been 150 hectares of irrigable land or the rainfed equivalent.
- [18] Law No. 26845 on the titling of the lands of coastal peasant communities. For further information see Eguren, F. (2006).
- [19] “O que o governo Dilma fez (e não fez) pela reforma agrária?”, Instituto Socioambiental, June 23, 2016, available at <https://www.socioambiental.org/pt-br/noticias-socioambientais/o-que-o-governo-dilma-fez-e-nao-fez-pela-reforma-agraria>.
- [20] “Ações de Temer mostram total descompromisso com a reforma agrária no Brasil”, destaca Patrus”, Landless Workers’ Movement, September 3, 2016, available at <http://www.mst.org.br/2016/09/03/acoes-de-temer-mostrar-total-descompromisso-com-a-reforma-agraria-no-brasil-destaca-patrus.html>.
- [21] Sanjinés, E. (2011).
- [22] In 2005, Paraguayan civil society groups asked the country’s parliament to set up a commission to investigate human rights violations during the Stroessner dictatorship, with the aim of recovering the memory of events, and obtaining justice and reparation for the victims. The Truth and Justice Commission, made up of representatives of the state, civil society groups, and victims, presented its final report in 2008, including a volume on ill-gotten lands, to Fernando Lugo’s Government. See: Comisión Verdad y Justicia Paraguay (2008).
- [23] The 1954 coup d’état in Guatemala was a covert operation carried out by the US Central Intelligence Agency (CIA) to overthrow the democratically elected President Jacobo Árbenz and install the military dictator Carlos Castillo Armas, the first of a series of dictatorial regimes supported by the United States. See: Doyle, K. and Kornbluh, P. (eds.) (n.d.) CIA and Assassinations: The Guatemala 1954 Documents. The National Security Archive. Available at: <http://nsarchive.gwu.edu/NSAEBB/NSAEBB4/>.
- [24] In a dispute with the Riquelme family, protesters were evicted from the Marina Kue territory in Curuguaty district, which the farmers claimed was state land. For more information about this case, see Coordinadora de Derechos Humanos del Paraguay (2012).
- [25] See, for example, “Gremios productivos apoyan gobierno de Franco” at <<http://www.abc.com.py/nacionales/gremios-productivos-apoyan-gobierno-de-franco-420056.html>>.
- [26] These include, in particular, the Agreement on the Identity and Rights of Indigenous Peoples, with a chapter that addresses the issue of land and refers to ILO Convention 169, which was ratified by Guatemala in 1996; the Agreement on the Resettlement of Population Groups Uprooted by the Armed Conflict, which lays the foundation for the safe and dignified resettlement of uprooted population groups, their redress, and their reintegration into the labor market and productive life; and the Agreement on Socio-economic Aspects and the Agrarian Situation, which aims to address the agrarian problem as a condition for reconciliation and eradicating social exclusion.
- [27] First under the Land Administration Project, financed with a loan from the World Bank, and later through projects by other organizations such as CARE or the Inter-American Development Bank, a total of 1.3 million hectares were registered in the Petén department. See Grandia, L. (2013).
- [28] Castillo, A.P. (2015).

- [29] In a sample of more than 2,421 titled plots, it was observed that 1,106 had been sold; this proportion was consistent between indigenous and Ladino communities. See Grandia, L. (2013), and Günberg, G. et al. (2012).
- [30] This agreement was awaiting political approval at the time of writing, having been rejected by the population, by a close margin, in the referendum held on October 2, 2016. The government is now seeking political solutions to incorporate the concerns of the “No” campaigners and develop mechanisms to enable its implementation.
- [31] Discrepancies persist about the total area of land of which the farmers were dispossessed. See: Centro Nacional de Memoria Histórica (2013); and González Posso (2013).
- [32] With regard to the millions of hectares of land of which people were dispossessed, by the end of 2015, court rulings had only been issued for: the return of 58,500 hectares claimed by peasant farmers, an indigenous territory of 50,000 hectares, and an Afro-descendant territory of 71,000 hectares. See Amnesty International (2016). Social organizations have reported to the IACHR that since the Victims and Land Restitution Law came into force, 70 people linked to the land restitution processes have been murdered. For more information, see the website of the organization Forjando Futuros: <http://forjandofuturos.org/fundacion/>.
- [33] Deininger, K. (2003).
- [34] Target 1.4: “By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property [...]”. Target 2.3: “By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land [...]”. Target 5.7: “Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property [...]”. See the Sustainable Development Goals website: <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>.
- [35] A study carried out in Nicaragua showed that women who own land are less likely to suffer from violence, because owning their own assets strengthens their “back-up position”, that is, their ability to survive financially outside of marriage. See: Grabe, S. (2010).
- [36] Oxfam, the International Land Coalition, Rights and Resources Initiative (2016).
- [37] The changing rainfall patterns and the disappearance of glaciers associated with climate change are having a very significant impact on the availability of water in the region, for human consumption as well as for agriculture and power generation. See Royal Institute of International Affairs (2012).
- [38] Stevens, C. et al. (2014).
- [39] Cantor, D.J. (2016).
- [40] Stone, H. (2016).
- [41] “UN envoy warns of environmental activist murder ‘epidemic’”, Climate Change News, March 18, 2016, available at <http://www.climatechangenews.com/2016/03/18/un-envoy-warns-of-environmental-activist-murder-epidemic/>.
- [42] Borras, S. et al (2011).
- [43] Source of the data: FAO, World Programme for the Census of Agriculture 1990. Rome: FAO. Available at: <http://www.fao.org/world-census-agriculture/wca2020/wca1990/en/>
- [44] Oxfam (2016a).
- [45] When distribution is highly concentrated, as with land ownership, the Gini coefficient does not adequately capture the scale of inequality, as it gives greater weight to

what is happening at the middle of the scale than to the differences between the extremes. Therefore, another indicator to measure income inequality was proposed: the ratio between the proportion of income earned by the richest ten percent of the population compared with the poorest 40 percent, which is known as the Palma index, as it is based on research undertaken by the Chilean economist Gabriel Palma. See: Krozer, A. (2015).

- [46] Agricultural censuses gather, process, and disseminate statistical data about the characteristics of the agricultural sector, covering the whole or a significant part of a country. For each agricultural holding, they record data about its size, tenure status, land use, area under cultivation, number of livestock and laborers, and other agricultural inputs. Not all censuses offer exactly the same type of information as, for example, some include forestry operations and forested areas, while others focus solely on crop and livestock farming. Furthermore, only the most recent censuses include indigenous territories. The FAO coordinates the World Programme for the Census of Agriculture, which provides countries with technical assistance and guidelines on how to carry out censuses. See the FAO World Census website: <http://www.fao.org/world-census-agriculture/en/>.
- [47] Honduras and Panama are not included, as it was not possible to obtain access to the data of the agricultural census or the agricultural survey in these countries in order to calculate this indicator, and no reply was received from the institutions responsible for the census. See the Appendix for a detailed description of the calculation method and sources used.
- [48] Although a national agricultural census was carried out in Bolivia in 2013, it was not possible to access the complete database in order to calculate the indicator of the percentage of land occupied by the top one percent of farms, which are the largest. Instead, the 2008 national agricultural survey, which has a publicly accessible database, was used. See Appendix.
- [49] The author's calculation is based on data published in the First Installment of the Results of the 2014 National Agricultural Census, released by the National Administrative Department of Statistics (DANE) on March 16, 2016, Bulletin 1, graph 34, p. 43, last accessed on November 11, 2016. These figures do not include the territories of ethnic groups. Despite repeated requests to the National Administrative Department of Statistics of Colombia, access was not granted to the database of the agricultural census carried out in 2014, and no reply was received about the area occupied by the top one percent of farms, which are the largest.
- [50] It is estimated that one hectare of irrigated land on the Peruvian coast has a value equivalent to 4.0 hectares of rainfed land in the Andes, 3.4 hectares of rainfed land in the ceja de selva (jungle's edge) region, and 97.2 hectares of natural pasture. See Caballero, J.M. and Alvarez, E. (1980). Aspectos cuantitativos de la reforma agraria (1969-1979), Instituto de Estudios Peruanos.
- [51] There is no single criterion to determine the size of a smallholding; consequently, for each country, the legal limit defined for family farming has been applied and, where no such limit exists, that of countries of a similar size and structure of production has been used.
- [52] This figure refers to 13 Latin American countries analyzed in Deere, C.D. and León, M. (2000).
- [53] Consequently, rather than recognizing women's rights, such policies actually validate the rights of men, because it is men who, through their presence or absence, determine women's status as wife, widow or single mother. A woman—even if she is of adult age and engaged in farming or another productive activity—cannot access land programs in her own right, unless she is a wife, widow or single mother. See: Castillo, A.P. (2015).
- [54] Salcedo, S. and Guzmán, L. (eds.), (2014).
- [55] Red Centroamericana de Mujeres Rurales Indígenas y Campesinas (2015).

- [56] See Deere, C.D. and León, M. (2000).
- [57] In the 1960s, the Inter-American Committee for Agricultural Development published seven national reports—backed by the FAO, IDB, OAS, and ECLAC—about the land tenure situations in Argentina, Brazil, Chile, Colombia, Ecuador, Guatemala, and Peru, which concluded that large-scale crop and livestock farming led to less rational use of resources and reduced employment. For a summary of those reports, see Kay, C. (1999).
- [58] A total of 21.1 million hectares was incorporated into the agrarian reform program between 1995 and 2002, with a further 48.3 million being added between 2003 and 2010. In that second period, 614,093 families benefited and moved to 3,551 settlements. Brazil currently has 85.8 million hectares incorporated into the agrarian reform, and 8,763 settlements overseen by the National Institute for Colonization and Agrarian Reform (INCRA), where 924,263 families live. Source: MDA-INCRA (2010), cited in ECLAC, FAO and IICA (2012).
- [59] Farms of more than a thousand hectares occupy 44.4 percent of land, even though they only represent 0.9 percent of agricultural holdings. The author’s calculation is based on data from the 2006 agricultural census.
- [60] ECLAC, FAO and IICA (2012). based on the respective national agricultural censuses.
- [61] The author’s calculation is based on data from Peru’s National Institute of Statistics and Informatics, and Ministry of Agriculture and Irrigation from the third and fourth National Agricultural Censuses, of 1991 and 2012, respectively.
- [62] The author’s calculation is based on data from the Department of Agricultural Censuses and Statistics of Paraguay’s Ministry of Agriculture and Livestock, from the 1991 and 2008 National Agricultural Censuses.
- [63] The author’s calculation is based on the results of the Third National Agricultural Census published by the National Administrative Department of Statistics (DANE).
- [64] “Neo-extractivism” is associated with progressive South American governments and involves greater appropriation by the state of the control and benefits of extractive activities, as well as a bigger role in redistributing the surpluses generated. For further information see Gudynas, E. (2009).
- [65] Data from 2014. See the World Bank website at: <http://wits.worldbank.org/country-analysis-visualization.html>.
- [66] “Tiempos para una minería responsable”, *El Espectador*, May 17, 2016, available at <http://www.elespectador.com/opinion/tiempos-una-mineria-responsable>.
- [67] Data from Colombia’s National Mining Agency, available at <https://www.anm.gov.co/?q=Asies-Colombia-minera>.
- [68] Comptroller General of the Republic of Colombia (2014b).
- [69] CooperAcción (2013) *Observatorio de Conflictos Mineros*, No. 12.
- [70] For more information see: *Territorios Seguros para las Comunidades Del Perú* (2015). *La propiedad comunal y los paquetazos que buscan promover la inversión*. Lima: Instituto del Bien Común. Available at: http://www.ibcperu.org/wp-content/uploads/2015/09/Paquetazos_PropiedadComunal_GuiaFacil.pdf.
- [71] FAO (2014).
- [72] ECLAC, FAO and IICA (2015).
- [73] National Administrative Department of Statistics of Colombia (DANE), Third National Agricultural Census; and UNDP (2011).
- [74] Satellite images show how, in the Paraguayan Chaco between 2010 and 2014, more than 1.3 million hectares were deforested at a rate of 260,000 hectares a year. According to the envi-

ronmental organization Guyra Paraguay, which is monitoring the situation, this is the highest deforestation rate in the world. See their website: <http://guyra.org.py/> See also the WWF's webpage on Gran Chaco at: http://wwf.panda.org/what_we_do/footprint/agriculture/soy/soyreport/soy_and_deforestation/the_gran_chaco/.

- [75] The main advantage of these crops is that they can be used as food, animal feed or industrial raw materials, quickly adapting to fluctuations in prices and demand. For more information, see Borrás et al. (2013).
- [76] See Rulli, J. (ed.) (2007).
- [77] Brazil generates 28 percent of global soybean production (in second place after the United States, which produces 35 percent), Argentina 17 percent, Paraguay three percent and Bolivia and Uruguay one percent each. These calculations are based on data from the FAO Statistics Division, FAOSTAT (faostat.fao.org).
- [78] The author's calculation based on FAOSTAT data for 2014 (or most recent year available).
- [79] The author's calculations based on FAOSTAT. The area under cultivation includes variable arable land and permanent crops.
- [80] See the United Nations Commodity Trade Statistics Database, COMTRADE, for 2015, available at <http://comtrade.un.org/>.
- [81] See, among others, Borrás, S. et al. (2011).
- [82] See Oxfam (2011); Guereña, A. (2013); Guereña, A. and Zepeda, R. (2013); Oxfam (2013); Guereña, A. and Rojas Villagra, L. (2016).
- [83] Guereña, A. (2013).
- [84] In Brazil, in 2015, 50 land and environmental defenders were murdered, more than in any other year, according to data from the Comissão Pastoral da Terra. See: Global Witness (2016).
- [85] The only crop that has seen some growth is corn, which is often sown in rotation with soybean, and is also used as a raw material for animal feed and various industrial uses.
- [86] Data from Colombia's 2014 National Agricultural Census.
- [87] Oxfam (2015a).
- [88] Gómez Sabaini, J.C. et al. (2015).
- [89] International Labour Organization (2014).
- [90] For further information see International Labour Organization (2015).
- [91] ABColombia (2012).
- [92] FAO (2012).
- [93] Gravel is owned by the Venezuelan company Inversoja (a subsidiary of Petróleos de Venezuela), and Fino is controlled by the Peruvian Grupo Romero; ADM and Cargill are US-based corporations. Source of the data: McKay, B. and Colque, G. (2016).
- [94] Eguren, L. (2014) p. 64.
- [95] Between 2005 and 2010, large mining companies paid around 880 billion Colombian pesos in income tax. In the same period, thanks to deductions, discounts and exemptions, they managed to save 1.78 trillion. According to the results of a "Mining in Colombia" report produced by the Office of the Comptroller General, made public in a May 7, 2013, article in *El Tiempo* called "Las grandes mineras pagan bajos impuestos: Contraloría", available at: <http://www.eltiempo.com/archivo/documento/CMS-12783295>.
- [96] Central American Institute for Fiscal Studies (2016a) p27.
- [97] Guereña, A. and Rojas Villagra, L. (2016).
- [98] Castañón, E. (2016).
- [99] BASE-IS (2015).

- [100] Working Group on Mining and Human Rights in Latin America (2014).
- [101] “Trans-Latins” are corporations that, with the opening up of trade in the 1990s, began processes of internationalization. They may be comprised of national capital, in association with companies from different countries in the region, or partnerships between Latin American companies and capital from outside the region.
- [102] Gloria S.A. was founded in 1941, and acquired by the Rodríguez Banda family in 1986. Over the years, it has diversified its operations, establishing itself as a leader in the dairy sector with an 80 percent share of the Peruvian market. For more information see the group’s web site: <http://www.grupogloria.com/> and the risk rating analysis by Class & Asociados, at: <http://www.classrating.com/Gloria.pdf>.
- [103] In 2012, according to the offering memorandum for the Irish Stock Exchange, Corporación Azucarera del Perú (Coazúcar) S.A., a subsidiary of Grupo Gloria, owned 89,752 hectares of land. See the memorandum, available here: http://www.ise.ie/debt_documents/ListingParticulars_02cf8ef6-449d-49a4-bdc8-11c8843f13d1.pdf.
- [104] According to a study carried out by the advisory firm Valoral Advisors, which specializes in land investment funds. See 2015 Global Food & Agriculture Investment Outlook: institutional investors meet farmers. Strategic review of the investment landscape across the asset class, with an up-to-date analysis of the major asset categories and a special section on South America’s challenges & opportunities, Issue 5, January 2015.
- [105] Soto Baquero, F. and Gómez, S. (eds.) (2014).
- [106] FAO (2014), op. cit.
- [107] Murphy et al. (2012).
- [108] Noble is headquartered in Hong Kong, Olam is headquartered in Singapore with most of its capital coming from India, and Wilmar is also registered in Singapore and has ADM as a large shareholder. Valoral Advisors (2015) 2015 Global Food & Agriculture Investment Outlook: institutional investors meet farmers. Strategic review of the investment landscape across the asset class, with an up-to-date analysis of the major asset categories and a special section on South America’s challenges & opportunities, Issue 5, January 2015.
- [109] COFCO is very active in Latin America, and recently acquired shares in other trading companies in order to access the supply of cereals and oilseeds produced in South America. See “China’s agricultural engagement in Latin America”, Inter-American Dialogue, November 19, 2013.
- [110] For more information about the concept of hijacking democracy and the mechanisms of political capture, see Oxfam (2015a).
- [111] Galasso, N. and Goodman, E. (2016) “Expert event on political capture and inequality”, Outcome Report: Oxfam.
- [112] Durand, F. (2016).
- [113] “Brasiguayo” is the term used in Paraguay for the Brazilian farmers and their descendants who, since the late 1960s, have settled in the eastern part of Paraguay, in the departments of Alto Paraná, Canindeyú, Amambay and Caaguazú, which have borders with the Brazilian states of Paraná, Santa Catarina and Mato Grosso do Sul.
- [114] Since 2008, the Santa Lucía Neighborhood Committee has been demanding that the Institute for Rural Development and Land Rights (INDERT) recover a disputed area of land in the district of Ñacunday, which the state had previously reclaimed—either from former yerba mate plantations, or from the border zone where, by law, foreign nationals from neighboring countries are not permitted to purchase land. For more about this case, see: Fogel, R. (2013).
- [115] Radiografia do Novo Congresso - Legislatura 2011-2015. Brasília, DIAP, 2011, p. 39.

- [116] On the moves to reduce protections in implementation of the Forestry Code see: “Bancada ruralista quer flexibilizar o Código Florestal”, *Folha de S. Paulo*, March 6, 2014, at <http://www1.folha.uol.com.br/poder/2014/03/1421288-bancada-ruralista-quer-flexibilizar-o-codigo-florestal.shtml>.
- [117] “ONU manifesta preocupação com projeto de lei que altera conceito de trabalho escravo no Brasil”, UN Brazil, April 29, 2016, available at: <https://nacoesunidas.org/onu-manifesta-preocupacao-com-projeto-de-lei-que-altera-conceito-de-trabalho-escravo-no-brasil/>.
- [118] The parliamentary committee to investigate the Landless Workers’ Movement was set up at the request of member of parliament Onyx Lorenzoni (DEM/RS), while the committee to investigate NGOs was set up based on a request (No. 217 of 2007) made by then-Senator Heráclito Fortes (DEM/PI), who is today a member of parliament for the same party, and a member of the “bancada ruralista”. See: Sauer, S. and de Souza, M. R. (2014) *Estado democrático de direito e movimentos sociais: criminalização e legitimidade do MST* and Maníglia, E. (2014) *50 anos do Estatuto da Terra: 25 anos de Direito Agrário na UNESP*. São Paulo, Cultura Acadêmica, 2014, pp. 595-630.
- [119] Senator Ronaldo Caiado (DEM-GO), who is a member of the rural caucus, publicly accused the Landless Workers’ Movement, NGOs, and governments of being anti-democratic terrorist organizations. See “Terrorismo travestido de ideología”, *Folha de S Paulo*, November 21, 2015, at <http://www1.folha.uol.com.br/colunas/ronaldo-caiado/2015/11/1709207-terrorismo-travestido-de-ideologia.shtml>.
- [120] The Rural Association of Paraguay (ARP) represents the landed oligarchy, particularly in the livestock sector. Many of its members are named in the report of the Truth and Justice Commission on ill-gotten lands, having acquired huge estates by irregular means during or after the Stroessner regime. The ARP has two members on the board of INDERT, which makes decisions about expropriations and purchases that affect the interests of livestock and soybean farmers, compared with just one representative of small-scale farmers, who has very limited power to influence proceedings. The ARP also sits on the boards of the National Development Bank, the National Forestry Institute, the National Council of Science and Technology and the Livestock Fund. Source: See Guereña, A. and Rojas Villagra, L. (2016).
- [121] The “revolving door” concept is when people with responsibility in the public sector move to leadership roles in the private sector, or vice versa. This enables them to benefit from information and networks of influence acquired in the other sector, or influence the functioning of the state to favor their private interests. For more information about the revolving door phenomenon in the region, see the Observatorio de Multinacionales en América Latina, *Diccionario crítico de empresas transnacionales*, available at: <http://omal.info/spip.php?article4875>.
- [122] Indupalma has been investigated for the illegal accumulation of 25,000 hectares for the production of rubber in Vichada Department, on land that had previously belonged to the state (baldíos) and, therefore, was subject to restrictions on its sale. Rubén Darío Lizarralde and other members of his family are shareholders in the companies that acquired part of that land. See: Comptroller General of the Republic of Colombia (2014a), pp. 202-206.
- [123] For information about this and other public offices, see La Silla Vacía’s website at: <http://lasillavacia.com/quienesquien/>.
- [124] Bebbington, A. and Bury, J. (eds.) (2013).
- [125] See Pérez, J. et al. (2011).
- [126] “América Latina y el poder corporativo: una crítica a los compromisos asumidos en materia de

inversiones extranjeras”, Nueva Sociedad, August 2016, available at <http://nuso.org/articulo/america-latina-y-el-poder-corporativo>.

- [127] Legal action taken by corporations tends to allege violations of clauses relating to national treatment, fair and equitable treatment, and indirect expropriation. For more on this subject, see: Cotula, L. (2015), and Columbia Center on Sustainable Investment (2016).
- [128] The International Centre for Settlement of Investment Disputes (ICSID) is an institution of the World Bank, created to arbitrate disputes between governments, and investors and companies from other states that have invested in the former. It was established within the framework of the Convention on the Settlement of Investment Disputes between States and Nationals of Other States, which came into force in 1966. It consists of an administrative council (with a representative of each of the contracting states) and a secretariat. The tribunals are made up of arbitrators appointed by agreement between the parties in each case, and there is no higher court than this ad hoc tribunal, so its decisions are final and cannot be appealed. See the official web site of the ICSID: <https://icsid.worldbank.org/apps/ICSIDWEB/about/Pages/default.aspx>.
- [129] See “América Latina y el poder corporativo: una crítica a los compromisos asumidos en materia de inversiones extranjeras”, Nueva Sociedad, August 2016.
- [130] See the ICSID decision on the case here: https://icsid.worldbank.org/ICSID/FrontServlet?requestType=CasesRH&actionVal=showDoc&docId=DC6912_En&caselId=C80.
- [131] The multinationals claim that such actions constitute a violation of the investment chapters of the international free trade agreements with Canada and the United States. See “Colombia en la mira de multinacionales mineras ante supuestos incumplimientos en inversión”, Puentes, Análisis e Información sobre Comercio y Desarrollo Sostenible para América Latina, International Centre for Trade and Sustainable Development (ICTSD), April 15, 2016.
- [132] “CIDH solicita al gobierno de Guatemala suspender la explotación de la Mina Marlin en territorio maya”, Centro de Políticas Públicas, May 26, 2010, available at <http://www.politicaspUBLICAS.net/panel/siddhh/cidh/512-cidh-marlin-gt.html>.
- [133] Pacific Rim was sentenced to pay the State of El Salvador eight million dollars for procedural costs. See the case documents for Pac Rim Cayman LLC v. Republic of El Salvador, ICSID Case No. ARB/09/12 at: <http://www.italaw.com/cases/783>; ICSID information about the case at: <https://icsid.worldbank.org/apps/icsidweb/cases/Pages/casedetail.aspx?caseno=ARB/09/12&tab=PRO>; and “El Salvador Wins Dispute Over Denying a Mining Permit”, The New York Times, October 14, 2016, available at http://www.nytimes.com/2016/10/15/world/americas/salvador-mining-dispute.html?_r=3.
- [134] In the case of the Santa Ana mine in Peru, Bear Creek Mining is continuing the arbitration process, claiming that the project was expropriated without compensation. See Tauli-Corpuz, V. (2015).
- [135] Tauli-Corpuz, V. (2015).
- [136] See information about the case of the Sawhoyamaya indigenous community v. Paraguay at: http://www.corteidh.or.cr/cf/jurisprudencia2/ficha_tecnica.cfm?lang=en&nld_Ficha=327.
- [137] See “Justicia falla a favor de la comunidad Sawhoyamaya” in ABC Color, June 3, 2015, available at <http://www.abc.com.py/nacionales/rechazar-accion-y-autorizan-al-mopca-a-tazar-las-14404-ha-expropiadas-1373334.html>.
- [138] Tauli-Corpuz, V. (2015).
- [139] Global Witness (2016).
- [140] Front Line Defenders (2016).

- [141] For further information about the situation of rights defenders in Latin America, see Oxfam (2016b).
- [142] “A mix of discrimination, violence, inequality, conflict, insecurity, poverty, environmental damage and failure to ensure justice for violations of human rights threatened the protection of human rights and fundamental freedoms in the region.” Amnesty International (2016) p28.
- [143] See “Oxfam urge a donantes y gobiernos superar crisis financiera del CIDH”, Oxfam International press release, May 24, 2016, available at: <https://www.oxfam.org/en/node/7721>.
- [144] Central American Network of Rural, Indigenous and Farming Women (2015).
- [145] Global Witness (2016).
- [146] See: Xiloj, L. (2016).
- [147] Global Witness press release available at <https://www.globalwitness.org/en/press-releases/global-witness-releases-new-data-murder-rate-environmental-and-land-activists-honduras-highest-world/>.
- [148] For more information about this case, see the report of the Special Rapporteur on the rights of indigenous peoples on her visit to Honduras, July 21, 2016, available at: <https://www.fmo.nl/k/n1771/news/view/33138/20819/independent-fact-finding-mission-issues-their-report-on-agua-zarca.html>.
- [149] The Honduran government has received sentences from the Inter-American Court on Human Rights for violating the right to life, the right to integrity, and the right to personal freedom. See, for example <https://www.cejil.org/es/nueva-condena-internacional-contra-honduras>. In 2015, it was also convicted of several violations of the collective rights of the Garifuna people. See <https://www.cejil.org/es/nueva-condena-internacional-contra-honduras>.
- [150] “Las mujeres rurales de América Latina son luchadoras, no criminales”, Oxfam blog available at <https://www.oxfam.org/es/crece-peru-mexico-el-salvador-guatemala-bolivia/las-mujeres-rurales-de-america-latina-son-luchadoras>.
- [151] “IACHR expresses concern over threats against and arrests of campesino leaders in Bajo Aguán, Honduras”, IACHR press release, August 29, 2014, available at http://www.oas.org/en/iachr/media_center/PReleases/2014/094.asp.
- [152] See the Global Witness press release available at <https://www.globalwitness.org/en/press-releases/global-witness-releases-new-data-murder-rate-environmental-and-land-activists-honduras-highest-world/>.
- [153] “An urgent plea for governments to stem the murder of forest guardians”, blog post by Victoria Tauli-Corpuz, UN Special Rapporteur on the rights of indigenous peoples, April 5, 2016, available at <http://news.trust.org/item/20160405170026-jth2s/?source=fiBlogs>.
- [154] Data from the Munden Project, commissioned by the global organization Rights and Resources, after analyzing 153 million hectares of concessions in a sample of 12 countries around the world, five of them in Latin America (Argentina, Brazil, Chile, Colombia and Peru). “La lucha por la tierra: multinacionales vs. pueblos indígenas”, BBC World, October 7, 2013. Available at: http://www.bbc.com/mundo/noticias/2013/10/130927_economia_multinacionales_tierras_indigenas_mj
- [155] See Articles 8, 25, 26, 29 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples, 2007.
- [156] “Indigenous peoples” is equivalent to the concept of “tribal peoples” under Convention 169 of the ILO, which also includes people who are not indigenous or native to the region they inhabit, but who, like indigenous peoples, share certain characteristics that distinguish them from other sectors of the national community. Such characteristics include having social, cultural

and economic traditions different from other segments of the national community, identifying themselves with their ancestral territories, and regulating themselves, at least partially, by their own norms, customs, or traditions, as in the case of Afro-descendant communities. See: Inter-American Commission on Human Rights (2015a) Indigenous Peoples, Afro-Descendent Communities, and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation, and Development Activities.

- [157] Article 6 of Convention 169 of the International Labour Organization, the Indigenous and Tribal Peoples Convention, 1989. Articles 19 and 32(2) of the United Nations Declaration on the Rights of Indigenous Peoples, also require states to carry out a process of consultation, in good faith, with the indigenous peoples prior to proceeding with any investment project that could directly affect them.
- [158] Indigenous communities must often wait decades to obtain official recognition of their lands. That is the case of the Che Iro Ara Poty community of the Myba Guarani people in Paraguay, who had to wait 26 years from after passage of the expropriation law, in their favor, to receive a property title. See Guereña, A. and Rojas Villagra, L. (2016).
- [159] Rainforest Foundation US, AIDESEP and Alto Tamaya Saweto (2015) Peru at the climate crossroads: How Saweto and indigenous communities can guide Peru down the right path.
- [160] Resolution of the Inter-American Court of Human Rights. Provisional measures requested by the IACHR from the Republic of Colombia with regard to the case of Jiguamiandó and Curbaradó, March 6, 2003, p. 2.
- [161] Comptroller General of the Republic of Colombia (2014a), p. 199.
- [162] See Grajales, J. (2011); International Service for Human Rights (2015); and van Dorp et al. (2015).
- [163] Brazil was the country with the greatest number of killings of rights defenders in 2015, with 50 killings; Colombia was third, with 26; Peru and Nicaragua fourth and fifth, with 12 each; Guatemala and Honduras were in seventh and eighth positions, with ten and eight killings respectively. It is likely that these figures underestimate the scale of the problem as many deaths are not reported, especially those that take place in remote areas. See Global Witness (2016a).
- [164] Instituto Humanitas Unisinos, No Brasil, pelo menos 24 defensores de direitos humanos foram mortos em 4 meses, May 25, 2016.
- [165] *Ibid.*
- [166] According to data from the Somos Defensores program, published in ABColombia (2016).
- [167] Amnesty International (2016). For more information, see the Survival International campaign in defense of the Ayoreo: <http://www.survivalinternational.org/tribes/ayoreo>.
- [168] The IACHR has issued four recommendations in relation to this case, but no progress has been made on their implementation. The most recent recommendation, issued in February 2016, declared the situation “serious and urgent, as the lives and personal integrity [of the Ayoreo] are threatened or at serious risk,” and asked the Paraguayan government to put a stop to illegal deforestation that affects their territories, and to adopt the necessary measures for their protection. See Precautionary Measure No. 54-13 Matter of communities in voluntary isolation of the Ayoreo Totobiegosode people, Paraguay, February 3, 2016. Inter-American Commission on Human Rights, Resolution 4/2016. See also: <http://www.senado.gov.py/index.php/noticias/174744-mesa-directiva-expuso-ante-relator-de-la-cidh-los-casos-de-curu-guaty-y-del-pueblo-ayoreo>.
- [169] Capital Campo claims that a 5,000 hectare property purchased in 2004 in Boquerón Department for \$125,000 (\$25 per hectare) was sold nine years later for \$1,500,000 (\$300 per hectare), for

more information see: <http://es.capitalcampo.com/42-evolucion-de-los-precios-de-la-tierra-en-el-paraguay.html>.

- [170] Inter-American Commission on Human Rights (2015a) p.81.
- [171] Inter-American Commission on Human Rights, hearing on indigenous peoples' right to prior consultation in Ecuador, 149th Period of Sessions, October 28, 2013.
- [172] Inter-American Commission on Human Rights, hearing on the rights of indigenous peoples to legal recognition and property in Peru, 153rd Period of Sessions, October 31, 2014.
- [173] "Calas espera el cierre definitivo de la mina El Tambor", *Prensa Libre*, February 23, 2016, available at <http://www.prensalibre.com/guatemala/comunitario/calas-espera-que-se-cumpla-con-cese-de-operaciones-de-mina-el-tambor>.
- [174] "Corte Suprema de Guatemala ordena suspensión definitiva de la mina La Puya", *El Economista*, June 30, 2016, available at: <http://www.eleconomista.net/2016/06/30/corte-suprema-de-guatemala-ordena-suspension-definitiva-de-la-mina-la-puya>.
- [175] Paid advertisement in the *Prensa Libre* newspaper of April 6, 2016, signed by Daniel W Kappes, President of Exploraciones Mineras de Guatemala S.A.
- [176] ABColombia (2016).
- [177] Office of the United Nations High Commissioner for Human Rights (2013).
- [178] For further information about this case, see Oxfam's campaign at: <http://www.oxfamintermon.org/es/campanas/proyectos/polochic-firma-ahora-por-desalojos>.
- [179] See press release of the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, July 20, 2016, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/Display-News.aspx?NewsID=20289&LangID=S>.
- [180] See joint press release: "Oxfam y Amnistía Internacional demandan justicia para familias campesinas del caso Curuguaty", Mexico City, July 12, 2016, available at <https://www.oxfam.org/en/node/7852>.
- [181] Permanent Observatory of Human Rights of Agúan (2014).
- [182] Inter-American Commission on Human Rights (2015b) p.71.
- [183] According to the IACHR, including these two victims, ten rights defenders have been murdered in Honduras so far this year. See "IACHR Repudiates the Killing of José Ángel Flores and Silmer Dionisio George in Honduras", Inter-American Commission on Human Rights, press release, November 3, 2016, available at http://www.oas.org/en/iachr/media_center/PReleases/2016/161.asp.
- [184] In Brazil, the state is authorized to expropriate properties that are not fulfilling their social function. This social function is based on the following requirements (Article 186): "adequate use of available natural resources and preservation of the environment; observance of provisions regulating labor relations; and exploitation that favors the wellbeing of owners and workers" (Articles 184 and 186 of the 1988 Constitution).
- [185] In the case of Bolivia, social function is understood to mean "sustainable use of the land by indigenous, native and peasant communities and peoples, as well as the use of small properties", while economic function is understood to mean "sustainable use of the land in the development of productive activities, in accordance with its full capacity, for the benefit of society, the collective interest and its owner" (Articles 397 and 401 of the Constitution of 2009).
- [186] The constitution of Ecuador enshrines the social and environmental functions of land, including for employment. The 2009 Food Sovereignty Law states: "the social function of land involves employment generation, equitable redistribution of income, and productive and

sustainable use of land.” The environmental function of land involves ensuring the conservation of biodiversity; the preservation of ecological functions; enabling the conservation and integral management of water basins, forest areas, woodlands, and fragile ecosystems such as wetlands, moorlands and mangroves that respect the rights of nature and “good living” (el buen vivir); and contributing to the preservation of the environment and landscape (see also Article 282 of the constitution).

- [187] Soto Baquero, F. and Gómez, S. (eds.) (2014).
- [188] Article 399 of Bolivia’s constitution, which came into force on February 7, 2009.
- [189] Land Law 26,737, on the Protection of National Control of Ownership, Possession or Tenure of Rural Land of 2011 limited the area that can be in foreign hands to a maximum of 15 percent, and made it compulsory to disclose the true source of companies’ capital. The decree on the Land Law issued by the Marci administration eases these restrictions.
- [190] See: “El decreto de Macri sobre la Ley de Tierras agrava la situación”, in Sin Mordaza, August 13, 2016 at <http://www.sinmordaza.com/noticia/375609-galizzi-el-decreto-de-macri-sobre-la-ley-de-tierras-agravala-situacion.html> and “El decreto del Gobierno Nacional que nos deja sin ley de tierras”, July 2, 2016, at <http://farmlandgrab.org/26315>.
- [191] Article 72 of Law 160 of 1994, the Agrarian Reform and Peasant Rural Development Law. The family farming unit is defined by law for each region according to agro-ecological conditions, and is the area required for a family to be able to make a decent living.
- [192] In 2014, the Office of the Comptroller General of Colombia prepared a special report on cases of irregular accumulation of State lands, mainly in the Altillanura (high planes) region, involving the following companies: Grupo Mónica de Colombia, Cargill, Riopaila Castilla, Organización Luis Carlos Sarmiento Angulo, Fiducia Helm Trust S.A., The Forest Company, Agroindustria Guarrojo S.A., Carlos Aguel Kafruni, Aceites Manuelita, Poligrow Colombia, the Lizarralde-Ocampo family, and relatives of Aurelio Irigorri and Camilo Pabón Puentes. See: Office of the Comptroller General (2014a). Later, another report by the Office of the Comptroller General, produced in 2015, confirmed the irregular accumulation of State lands by the companies Aceites Manuelita S.A., Forest First SAS, Reforestadora Guacamayas S.A., Palmar de Santa Bárbara, the Holguín family, Agropecuaria Alfa SAS and Algoa EU, Inversiones y Representaciones Roca SAS, and María Catalina Raffo Palau and Carlos Arturo Llano Henao. See “La probada expropiación de las tierras baldías”, *El Espectador*, October 31, 2016, available at <http://www.elespectador.com/opinion/probada-expropiacion-de-tierras-baldias>.
- [193] According to the Superintendent of Notaries Public and Registries, Jorge Enrique Vélez, in “Los trucos para robarse la tierra baldía”, *Vanguardia.com*, October 5, 2014, available at <http://www.vanguardia.com/actualidad/colombia/281625-los-trucos-para-robarse-la-tierra-baldia>.
- [194] The 2010–14 National Development Plan introduced several articles that made it possible to exceed the restriction of one family farming unit; however, in 2012, these were declared unconstitutional by the Constitutional Court. A second attempt was made with the foreign investment bill, which aimed to make Law 160 only applicable to state lands allocated after 1994. Threesubsequent bills were proposed (known as Urrutia, Lizarralde and Law 133), but none of them were passed. See “Proyecto de Ley 223 Zidres: Vía libre al acaparamiento de tierras”, *Oxfam in Colombia*, June 14, 2015, available at <http://prensarural.org/spip/spip.php?article17086>. In June 2016, senators Jorge Prieto Riveros (Green Alliance), Jorge Robledo and Alexander López (Democratic Pole), and House of Representatives member Germán Navas Talero, filed a lawsuit in the Constitutional Court, as they believe the law will make it possible to transfer unlimited areas of land that should be reserved for small-scale family farming to

any national or foreign person. See <http://www.latarde.com/actualidad/colombia/171227-senadores-demandaron-la-constitucionalidad-de-laley-de-zidres>. The Observatory of Land Restitution and Regulation of Agrarian Property Rights has also filed a lawsuit as it deems there was no prior consultation with ethnic communities before passage of the law, and believes it will allow the concentration of state lands (baldíos). Although the law prohibits the creation of ZIDRES in indigenous reserves, it was not specified what will happen with reserves that have requested expansion.

- [196] Office of the Comptroller General (2014a) p147.
- [197] *Ibid.*
- [198] See Judgment SU426/16 on the action for the protection of constitutional rights against the Colombian Institute of Rural Development (INCODER) and others, dated August 11, 2016, available at http://www.elespectador.com/files/pdf_files/8e546e7f66dd60131b1071cd6557b330.pdf.
- [199] Organic Law on Zones for Economic Development and Employment (ZEDEs), Decree No. 120/2013.
- [200] There is information about plans for the relocation of 3,500 members of the Garifuna community from Puerto Castilla to facilitate the construction and expansion of infrastructure for a model city in Trujillo. According to members of that community, they were not consulted about the project and have opposed their relocation, having suffered from two resettlements in previous decades. See the report of the Special Rapporteur on the rights of indigenous peoples on her visit to Honduras, July 21, 2016.
- [201] For further information see Report of the National Lawyers Guild delegation investigation of zones for economic development and employment in Honduras. New York, September 14, 2014.
- [202] Oxfam (2015a).
- [203] BASE-IS (2015).
- [204] Mendoza, A. and de Echave, J. (2016) p37.
- [205] In 2014 alone, rural property tax was reduced by 2.59 percent from the previous year, according to (unpublished) data from the Sindicato Nacional dos Peritos Federais Agrários (2016).
- [206] A calculation based on official market value estimates and the existing tax rate showed that, in Paraguay, rural land tax could generate around \$100 million per year, or 1.1 percent of GDP, which would double the resources currently available to rural municipalities. World Bank (2007) "Paraguay. Real property tax: key to fiscal decentralization and better land use" Report No. 37456-PA, Poverty Reduction and Economic Management Unit, Latin America and the Caribbean Region.
- [207] Binswanger-Mkhiza, H.P. et al. (2009).
- [208] Guereña, A. (2011).
- [209] FAO (2006).
- [210] Colque, G. et al. (2016).
- [211] See: Inter-American Commission on Human Rights (2015a); Amnesty International (2016); and Global Witness (2016).
- [212] For more information about this case, see Guereña, A. and Zepeda, R. (2012). See also: Inter-American Commission on Human Rights (2015c).
- [213] Coordinadora de Derechos Humanos del Paraguay (2014).
- [214] Areco, A. and Palau, M. (2016).
- [215] The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') covering the period 2014-2015, Joint Staff Working

Document, European Commission, Brussels, January 28, 2016.

- [216] Law 5036, which amends the legislation on National Defense and Domestic Security, August 23, 2013.
- [217] The human rights group Servicio Paz y Justicia Paraguay (SERPAJ), which monitors and analyzes the effects of the militarization of society as a state security policy, has submitted to the Human Rights Commission of the Chamber of Deputies testimonies of residents from the militarized zone in the departments of San Pedro and Concepción, which reveal the repression and killing of residents by joint forces deployed there.
- [218] See “Ecuador, en permanente estado de excepción”, Univisión Noticias, August 11, 2016 at <http://especiales.univision.com/desigualdad/leyes-y-gobierno/articulo/ecuador-permanente-estado-excepcion/4269>.
- [219] For further information see Unir and Fundación Tierra “Doce” (2014) Conflictos de tierra y recursos naturales en Bolivia, Quarterly Bulletin No. 2, August–October 2014.
- [220] “Honduras, one of the most dangerous countries for human rights defenders - Experts warn”, press release 118/26, Inter-American Commission on Human Rights, Geneva/Washington DC, August 19, 2016, available at http://www.oas.org/en/iachr/media_center/PReleases/2016/118.asp.
- [221] Not including Honduras and Panama, for which no data is publicly available to calculate this indicator. See Appendix.

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