



Global Campaign for Agrarian Reform

**Working document:
Commentary on land and rural
development policies
of the World Bank**



**FIAN (Food First Information and
Action Network): For the Human
Right to Feed Oneself**



**La Via Campesina: For the right to
produce and for food sovereignty**

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1. Introduction

On October 2002 the World Bank board of executive directors approved a new rural development strategy Reaching the Poor. In addition the Bank published in May 2003 its Land Policy Research Report- Land Policies for Growth and Poverty Reduction.

These two documents will have a powerful influence over the definition of land and rural future domestic development policies, as well as over international development aid policies in this field. Hardly any other international organization is prepared to impose its agenda in such an aggressive and systematic way as the World Bank. While the World Trade Organization, the WTO, is the focal point of protest, the Bank's performance has not caused the same spark of massive social demonstration. This is amazing taking into account that the Bank has paved the way for the WTO (land control is central for agro industrial, forest, mining, water, biodiversity and infrastructure investment) and has intervened in decision making in such an anti democratic way that has led great sectors of rural populations from all over the world into hunger and poverty.

The policies that the aforementioned documents assume will deepen the process of land privatization and continue impoverishing and depriving women and rural communities of their means of life. In this document Global Campaign for Agrarian Reform, promoted by FIAN and La Vía Campesina, is presenting a critical analysis of the new policies. For many years we have been denouncing the harmful effects of land policies and rural development that the World Bank has caused in the living conditions of poor and landless peasant families from many Southern countries. This document presents then, the point of view of those who have been harmed and of their organizations, which rarely receive attention at a domestic level, let alone at an international level.

First we will present a brief summary of both documents. Then, we will analyze certain aspects of its content that we consider important, and finally we will make some observations regarding the way the Bank conducted the preparation of these documents.

2. Reaching the Poor: the new strategy for rural development

Taking into account that at an international level almost 75% of people living in poverty are found in rural areas, and that the resources allocated for agriculture have decreased dramatically, the Bank states that its initiative in rural development has been very poor so far (the amount of its investments for rural development only reaches 25% of the total amount of allocated resources). The principal objective of the new strategy is to give more relevance to rural development within the Bank activities. The Bank starts from the assumption that agriculture is the main source of rural economic growth in the poorest countries, and that agricultural growth is the best way to reduce rural poverty. The Bank openly claims that the productivity increase and economical growth are the central focal points of the new strategy. The new strategy of rural development adopts the basic principles of structural adjustment (such as the liberalization of agricultural markets, the strengthening of private companies, and privatization of sectors that are still in the hands of the State). At the same time, the strategy tries to respond to the main contextual changes such as the globalization of food markets, progress in scientific and technical fields, increasing urbanization,

climatic changes and environmental degradation. In simple words, the new strategy tries to promote agricultural growth using the following policies: liberalization of agricultural markets and complete inclusion of agriculture in multilateral trade agreements, support for investment in science and technology, especially biotechnology, support for diversification of export agriculture to satisfy the increasing demand of global food markets, increase of efficiency in the use of water by raising prices, privatization of rural extension services and support for the construction of a rural infrastructure.

On the sidelines of these core policies, the Bank formulates some measures to mitigate the vulnerability of the rural population and to improve its welfare. Among those the following ones stand out: the need to improve diets and fight against micronutrient deficiencies, the improvement of social safety nets, prioritizing of the fight against HIV/AIDS and universal primary education. Regarding the conservation of natural resources, this strategy promotes the improvement of the use of these resources in order to increase agricultural productivity.

3. Land Policies for Growth and Poverty Reduction: the Land Policy Research Report

The Land Policy Research Report (LPRR) emphasizes the importance of land as a key resource for poor rural people, for economic growth, and for the operation of the market and other social institutions. The LPRR intends to increase the effectiveness of land policies in the development and reduction of poverty. With this purpose, the LPRR presents the most recent research results about land policies so that they may be used as a guide for policy formulation.

The LPRR is organized in three parts: property rights and land tenure security, land markets, in particular land rental markets, land use and the government's role. Security of property rights is considered a measure that can improve the welfare of the poorest (including traditionally discriminated groups such as women), since land is their main way to make a living. At the same time, land tenure security is considered a key factor for economic growth since it promotes investment, improves loan access, and favors the transfer of land to improve the efficiency of land allocation, and contributes to the development of financial markets. The LPRR also emphasizes the impacts of land tenure security in the resolution of land disputes, as well, as in the government capabilities and the empowerment of marginal groups.

Market land transactions are considered important mechanisms to give land to both landless workers and

to those without enough land, as well as to develop financial markets using land as collateral. Land rental markets are said to characteristically have lower transaction costs; moreover, leasing land is considered a better option than selling land insofar as it is a more flexible and versatile way to transfer land from the least efficient producers to the most efficient.

Regarding the role of government, the LPRR assumes that decentralized transactions based on guaranteed property rights are more likely to increase efficiency and equity of governments' intervention otherwise inclined to corruption. Governments' role then should be limited to establish the legal and institution framework in which land markets can function and to create the macroeconomic context in which transactions that increase productivity may be rewarded. However, given the unfair distribution of land property, and the insufficient use of productive land in many countries, it is necessary that governments start redistributive reforms. On the other hand, in order to promote the use of land to maximize social welfare, governments should appeal to fiscal measures more than to regulative norms.

4. Growth: always in first place

Growth and poverty reduction are terms that appear linked throughout both documents. Both documents make claims such as "using economic growth in favor of the poor" and "putting the poor in position to benefit from economic growth" but it does not explain how such ideals could be achieved¹. While the new policies clearly and precisely design how to promote and protect investments, trade and the private sector, the measures adopted to reduce poverty are merely palliatives.

The new rural development strategy shows a clear preference for transnational corporations, many of which have a long record of human rights violations in rural communities and environmental pollution². Palliative measures such as the recommended social security nets do not comply with human rights standards, are far from giving solution to the structural causes of hunger and poverty and have been used as political instruments³. It

is not out of the ordinary then that measures explicitly designed to give women and the poorest people access to and control over productive resources (such as land, water and loans), are playing a marginal and ambiguous role within the new strategy. This one takes for granted the success of land policies based on market mechanisms implemented so far by the Bank. The strategy advocates for expanding these policies in the future despite evidences of their failure and harmful effects⁴. In this regard, both documents use their references to poor people and the reduction of poverty to justify economic policies while concealing the real beneficiaries of this growth.

The new strategy of rural development neither takes into account the social causes of poverty, nor presents proposals to help overcome social, economic, and political barriers that deprive the poorest rural population

of their livelihoods. On the contrary, this strategy advocates the strengthening of the already implemented liberalization and privatization policies which have had harmful effects on living conditions of rural communities. Exhaustive studies about the impacts of programs of structural adjustment – such as SAPRIN⁵ - developed with the initial support of the Bank, reach the conclusion that agricultural reform policies have exacerbated land inequalities: The promotion of agricultural exportations, the liberalization of imports, and the government's withdrawal from the provision of extension services and support to production, have benefited large scale producers, and at the same time, have excluded and/or deprived the most marginalized groups of access to productive resources such as land, loans etc. Small peasants' incomes have decreased, while the cost of agricultural inputs and production has increased dramatically. The same way, physical and economical access to food has worsened and food sovereignty has decreased due to high costs of production. Land sown with basic crops has to leave room for export crops, which decreases availability of local food and increases dependence on imports. The decrease in income and the increase of food prices show that, under these conditions, access to food through the market is pure illusion. The effects of these policies have been particularly negative for women farmers since they have strengthened traditional discrimination against women's access to and control over productive resources. Finally, favouring intensive farming for export, using chemical products, and concentrating land tenure, have continued the process of degradation of the environment and biodiversity.

The new strategy for rural development will also bolster the increasing concentration of the world food system. Agricultural commodity chains - on both the input and output sides - have become increasingly concentrated in the hands of very few transnational corporations, who by virtue of their near-monopoly status are increasingly setting costs and prices unfavorable to farmers, putting all, in an untenable cost-price squeeze, thus further encouraging a significant and continued deterioration in the access of the poor to land and the abandonment of agriculture⁶.

In this context, solutions that are based on technological progress only will only increase social exclusion in rural areas. The Green Revolution has shown that providing new technologies does not solve social and economic exclusion of women and the poor, but tends to make the existing inequalities deeper. Only those who comply with specific requirements, such as, educational level and technical qualifications, enough economical resources and other necessary conditions that soften

both the transition and the risks, can take advantage of the new technologies.

The new strategy emphasizes promoting biotechnology, and takes for granted an alleged consensus about the willingness to foster this kind of technology. Given the close relation between the Bank and biotechnology companies⁷, it is more than likely that the Bank will promote GMO's on a large scale, and will adopt a legal framework to protect those interests. In fact, the Bank already has already approved \$50 million in loans for agricultural biotechnology projects, which include GMOs such as BT rice, BT cotton, and sweet potatoes⁸.

Taking into account that biotechnology and its applications are practically monopolized by a few transnational corporations, which want to safeguard their exclusive property rights to genetic resources, there is the imminent danger that these companies will leave peasant and indigenous communities without access to or control over those genetic resources and will further concentrate their productive resources⁹. On the other hand, the incalculable risks of genetic engineering for human health and for sustainable biodiversity support the arguments in favor of taking precaution and giving priority to other kinds of technology that have proved to be environmentally sustainable and more suited to the needs of poor peasant families¹⁰.

Millions of peasants all over the world are firmly opposed to GMOs for the aforementioned reasons¹¹. Biotechnology will not put an end to hunger or rural poverty. On the contrary, it risks aggravating it¹².

5. Land privatization

The land tenure security needed by rural women and poor people is not the same land tenure security that is demanded by investors. The LPRR does not take into account this difference but rather assumes that whatever might be convenient for investors is also convenient for poor peasants.

The LPRR presents a concept of land tenure security that tends to limit it to the security of individual property rights. Property rights are understood from an evolutionary point of view, allegedly observed in the course of development in almost every part of the world. According to this concept, the need to support growing populations and to take advantage of economical opportunities which arise in trade make it necessary to invest in land. The condition for such investment is the protection of land and hence the need to secure property rights. Moreover, economic development will involve progress towards individualized property rights as the most secure form of land tenure.

Policies of land administration (land registry, demarcation, entitlement, etc) that have been applied in recent years under Bank sponsorship have not resulted in greater security in land tenure for women and poor rural communities. On the contrary, these policies have increased their vulnerability to losing land. In order to properly to understand the effects of the Bank's policies of land administration, it is necessary to analyze them together with sectoral agrarian and agricultural policies and within a general macroeconomic context. What is observed then is that the processes of entitling land tenure—in most cases individually— as well as liberalizing agricultural trade and dismantling public services of support for small and medium sized agricultural producers began with the promise that that they would regulate, formalize and secure land tenure. The bankruptcy of many peasants who were holding land title deeds, which were now transferable and could be seized, allowed banks to take possession of these lands. In other cases, conditions that were so adverse for peasant family economies, the impossibility of producing, and concomitantly, the dramatic deterioration of living conditions, pushed many peasants towards selling their land to large agro-export businessmen in order to have, for the moment, some money in their pockets. "Increase in allocation efficiency from the less efficient producers to the more efficient ones" is the technocratic language that the Bank uses to describe the deprivation of peasant families of their means of life.

The privatization of collective and communal forms of land tenure and of rural extension services has negatively affected peasants and indigenous people, especially in those countries where a considerable number of

them had benefited from past agrarian reforms.

Thus, when the cooperatives could no longer count on the government's support and the conditions of production were deteriorating significantly, the disputes over both female and male members' rights on the cooperatives worsened. Men claimed that women were not as productive due to maternity leaves and the care of sick children, which makes women lose many working days. Facing these pressures many women, especially single mothers, "voluntarily" abandoned the cooperatives¹³.

In the processes of privatization and division of land into plots, women tended to be discriminated against insofar as they received less land, and land of worse quality than their male coworkers from the cooperatives. In other cases men intentionally excluded female members from deciding how to allocate the land and distributed the land among themselves. In the cases in which only men were members of the cooperative, women were unable to have any influence on the process and men ended up selling off the land and keeping the money for themselves. Many couples separated due to these confrontations. The Mexican reform that opened up the possibility of privatizing "ejido" lands stands out as one of the most reactionary and harmful to women's land rights¹⁴.

In the same way, the improved access to credit, the alleged benefit of land entitlement, is no more than an illusion for the poorest groups. Empirical studies show that with the given conditions land entitlement has increased offers of land credit to large-scale producers and that this effect could stimulate the concentration of land to the detriment of small-scale peasant farmers¹⁵.

The LPRR avoids the systematic analysis of the causes of land tenure insecurity for the poorest and for women: one of the most important causes is the lack of governmental protection against land grabbing by large land owners and speculators. Others are: the promotion of agricultural exports and projects of intensive exploitation of natural resources (mining, tourism, industrial fishing, etc.), the weakness and partiality of the judiciary which tends to protect the investor's interests and private property before it protects fundamental rights of poor rural communities, and forms of legal, institutional, cultural and structural discrimination against women. An exhaustive analysis of all these aspects remains to be done because the aim of this project is clear: to secure land security rights for investors.

In order to fulfill their commitments to human rights, governments should put into effect policies of land

administration designed to strengthen control of male and female peasants and indigenous people over productive resources (land, water, forests, biodiversity). These groups' rights to land should be protected against attacks from third parties who intend to take possession of their land. Policies of land administration need to take into account historical grievances and restore the right to lands and territories of indigenous peoples and other rural populations who were deprived of their lands through racist and discriminatory policies. Land regularization cannot be used to legitimize land

robberies that occurred in the past. Governments have the obligation to make their policies coherent so that policies and norms for the use of lands, administration of lands, rural investment, and trade, do not jeopardize the most vulnerable groups' control over productive resources; on the contrary, governments have the obligation to strengthen this control by applying economic and sectoral policies that stimulate the peasant economy.

6. Land rental markets: the new panacea

The LPRR emphatically recommends the implementation of land rental policies. No doubt this policy has become the new panacea, which is being promoted by the Bank with the same fervor as the market-assisted land reform was promoted a few years back¹⁶.

The argument provided by the LPRR in favor of land rental markets resembles the argument that grounded the market-assisted land reform: leasing is a cheaper and more flexible way of giving access to land to those who lack it since the money required for its purchase is no longer needed.

Experiences of leasing are quite dissimilar in Africa, Latin America, and Asia. In these two last regions, leasing is historically associated with feudal relations between landlord and tenant. In this regard, appropriate questions to be asked in specific cases are the following ones: do the social and political conditions exist that enable land rental markets to provide, as in Europe, most of the rural populations with land? What conditions are necessary for poor and landless women to actually be able to lease land?

Land leasing is just a variant of market-assisted land reform, since both of them share the same fundamental assumption: that it is possible to use the market to redistribute resources. As we pointed out earlier in our analysis on the willing-seller-willing-buyer model¹⁷, market-assisted land reform is not able to solve the problem of unequal land distribution, since the market is unable to redistribute resources in oligopolistic environments. No empirical evidence has been found that shows that market-assisted land reform has fundamentally altered unfair and highly concentrated structures of land tenure.

It is alarming to notice that the LPRR avoids any discussion of the conditions and regulations that would be necessary to allow poor people to benefit from land leasing and to avoid landlords' exploitation of tenants. On the contrary, the LPRR advocates the removal, especially in Asia, of the regulations that protect tenants, since they are said to be expensive, difficult to implement and an obstruction to the market's free development.

Egypt's experience of the liberalization of the land rental market should be taken as a warning: Until 1992 access to land was regulated by the 1952 agrarian reform law that aimed to protect small-scale peasants. This law imposed maximum limits to land ownership, set land-renting prices, gave the tenants the right to inherit leasing contracts and made it difficult for landlords to evict their tenants. Within the framework of the negotiations on structural adjustment with both the World Bank and the International Monetary Fund, the Egyptian government adopted the 96/1992 land tenure reform law as one of the main reforms towards the liberalization of its economy. This law invalidated every leasing contract of agricultural lands and prescribed that access to land should be controlled by market forces. The results of this change was immediately felt: leasing prices increased by approximately 300%. The exorbitant leasing prices deprived small-scale peasants of access to land since they could not afford those prices. In this context, the number of credit programs to ease the transition has been insignificant, and has barely reached the minimum percentage of the affected population¹⁸. The enforcement of this law was accompanied by great violence on the part of the government authorities¹⁹.

7. The failure of market-assisted land reform

One of the most notable results of the LPRR is that it acknowledges that the model of land redistribution through the market (this model has had different names such as market-assisted land reform, negotiated land reform, community-based land reform), failed in Colombia and South Africa. This acknowledgment is very relevant since, so far, the Bank has refused to acknowledge the existence of problems.

In 2001, Mr. Klaus Deininger, land policy officer of the World Bank, stated that pilot projects of market-assisted land reform were very successful in Colombia²⁰. In the current LPRR these projects are not mentioned at all. On the contrary, the statement “all established farms are unable to repay the debts” suggests that the pilot projects also failed. In the case of South Africa the LPRR acknowledges that during the first three years of the program (1994-1997), even though the goal was to transfer 99.07 million hectares corresponding to 30% of agricultural land, only 200,000 hectares were transferred.

The acknowledgment of the failure of market-assisted land reform model was restricted to Colombia and South Africa. Cases such as Guatemala, where the failure is also evident were not mentioned at all²¹. In contrast in Brazil this policy is considered giving positive results. The LPRR completely ignores the intense opposition that large sectors of the Brazilian agrarian reform movement have displayed against the market-assisted land reform model. In addition, the LPRR ignores a series of analyses and studies that show that the implementation of this model in Brazil suffers from problems similar to those in other countries: inequality of parties involved in the negotiations, ignorance of the conditions of the program, lack of legal and technical advice, political influence in the selection of the beneficiaries, incapacity of the beneficiaries to pay back their debts, land of bad quality, corruption, etc²². The fact that the new Brazilian government, in January 2003, announced the suspension of Banco da Terra—the name used for market-assisted land reform in Brazil—in order to examine accusations of irregularities and corruption, as well as problems of both infrastructure and the capacity to pay the beneficiaries, is evidence for serious doubts about the success of the market model.

The LPRR appears to accept that there is a range of possibilities of land tenure reform including expropriation; however, this section's conclusion is revealing, for it intends to hamper redistribution processes based on expropriation: “ [...] there are many land-related interventions with a clear poverty-reducing impact that are less controversial politically and less demanding in terms of institutional capacity and fiscal resources.

Initiating a program of land reform without at the same time exhausting these other options will not be prudent” (xlvi). It cannot be denied that the application of programs of land reform based on expropriation and/or maximum limits of land ownership suffers from deep shortcomings, which range from the lack of an institutional capacity to slowness and open corruption. Loyal to the neo-liberal belief that the state is corrupt and cannot be reformed, the Bank continues to apply the following reasoning: if your head hurts, cut it off. If the state fails, dismantle it. In this regard, the Bank is not interested in discussing how to improve the state's instruments of regulation and intervention that redistribute resources and guarantee a minimum standard of living for its citizens. The redistributive function of the state is not accepted by the interests groups that control the Bank's activity, and in this regard, they do all that is within their reach to terminate it.

The Global Campaign for Agrarian Reform has been vehemently opposing the implementation of market-assisted land reform, since this policy does not ensure the realization of a wide and integral agrarian reform that guarantees the peasant's right to access to land and productive resources. Market-led land reform policies are unable to solve the problem of the unfair distribution of land since it is impossible to redistribute resources in oligopolistic contexts by means of market mechanisms. Traditionally marginalized groups, especially women among them, are excluded in advance from these programs since they do not satisfy the requirements. Moreover, it has been shown that women's capacity to negotiate in land markets is lower than men's and most often they are restricted to lots which are of worse quality and more expensive. It is evident then that land markets are not neutral regarding gender²³.

The international community and governments should acknowledge that market-assisted land reform (including mechanisms such as land banks and land funds) are inadequate instruments in highly unequal societies, and therefore, cannot replace agrarian reform processes that expropriate large land owners, whose land often lies idle and does not fulfill any economic and social function. Expropriations should be undertaken in strict accordance with the rule of law and land given to those who lack it.

8. Pacification for the stability of investments?

In the chapter on the reduction of the incidence and impact of land conflicts, the LPRR deals with dimensions of land issues that go beyond a mere economic perspective and that are fundamental to accounting for the causes of poverty and the lack of means of life in rural communities; in particular we are referring to historical roots of land theft, unequal power relations, and injustice. The LPRR points to the relation between the deprivation of land rights and social conflicts which can escalate into violent confrontation, with devastating consequences. In this way, the LPRR emphasizes the need to attend urgently to the following aspects of those kinds of conflictive situations: reinsertion of veterans, resettlement of refugees, attention to widows and orphans, and reconstruction of the social fabric at a local level. The establishment of a legal base to clarify rights to land in a clear, simple and effective way plays a crucial role.

It is highly important to continue developing this perspective which needs to be very carefully approached. The LPRR's approach leaves the feeling that the primordial goal of policies regarding these issues is to appease the most explosive conflicts in order to create stable conditions for investment. The effort to seek the truth, creates justice, and rehabilitates victims for the damages suffered (punishment of those responsible for crimes against humanity, return of stolen land, compensation to women for sexual assault etc.) doesn't appear in the LPRR as the central axis on which to construct peace. Here it becomes evident with great clarity that the LPRR does take into account the perspective of human rights in addressing land disputes, and in parti-

cular, land policies in general²⁴. It is scandalous that the World Bank ignores international human rights standards which are binding for the governments responsible for the Bank's activities, and therefore for the Bank itself.

The LPRR only brushes the question of justice and unequal power relations in the context of conflicts over land. Nevertheless this dimension is essential to understanding the entire process of agrarian reform starting from its political formulation, going through the decision making process right through to the implementation. The LPRR then ignores a key development in agrarian reform: the autonomous organization of the landless and peasants movements as well as the high capacity of mobilization of their members to struggle for their rights²⁵. Only strong peasant movements that understands its struggle as a struggle for citizenship and democratization can change the relations of social, political and gender forces, which are oppressive and deprive millions of people in rural areas of their livelihoods. It is therefore highly important that civil and political rights (freedom of assembly, to organize, freedom of expression, of self determination) of workers and rural peasants. The LPRR is silent about one of the biggest obstacles to accomplishing agrarian reform, the criminalization and the persecution of struggling peasants. To recognize and support the peasant organizations as key actors in the agrarian process is one of the fundamental conditions for success.

9. The Global Campaign for Agrarian Reform and the World Bank

The Global Campaign for Agrarian Reform addressed a letter to Mr. James Wolfensohn, the President of the World Bank in April of 2002, where we expressed our worries about the way in which the Bank was going to redefine its land policies by elaborating the LPRR that we are now dealing with. The Bank had announced that this process would be done in an open and transparent manner and with the participation and consultation of civil society. During the first half of 2002 the Bank therefore organized four regional workshops whose results were supposedly to be cited in the final LPRR. In our letter we observed however, that instead this process was characterized by a lack of transparency and by its exclusionary nature.

Some of the invited participants at the regional workshop conducted in Kampala, Uganda in April-May 2002 made a public announcement where they noted that there was practically no presence of those who were affected by the issues discussed, that is, of those representing the poor or landless communities in Africa, and therefore the meeting could not be considered either consultative or participatory. Furthermore, it was noted that 70% of the speakers did not work in African Institutions and that in the first of the workshops, only 3 of the 42 presentations were given by women²⁶.

In the same manner, the participation of peasant and landless organizations in the workshop held in Pachuca Mexico in May 2002 was scarce, while numerous pea-

sant and human rights organizations protested against the proceedings outside the event²⁷.

Despite the fact that the land policies and the actions of the multilateral and national organizations affect the rural communities' entitlement to fundamental rights, peasant and landless organizations, women and indigenous peoples have not played a leading role in this process. Their participation has been marginal and subjected to language dominated by academic circles, as seen during the workshops and electronic consultation that were carried out over the New Year holiday 2003 to discuss this draft.

In his response to the campaign's letter on May 8th 2002, Kevin Cleaver, Director of Rural Development for the World Bank specified that the objective of the LPRR was not to redefine Bank policies but to summarize recent world-wide research and insights that would help the Bank, its client countries, and other donors, to re-examine their policies in this respect and to help to translate this research into specific operations. On the other hand, the draft of the LPRR was published in November 2003 on the Bank's web page with a remark saying that the policy research reports are not binding to Bank operations²⁸.

In a letter that the German Governor of the Bank, Heidmarie Wiczoreck-Zeul, Minister of cooperation and development, addressed to FIAN-Germany in March 2003, the Minister affirmed that the LPRR is a technical document and that the Board of Executive Directors will not decide on it but at most will acknowledge its existence. Regarding the question of whether the LPRR will be the groundwork for working out new land policies, the minister responded that there is no decision.

However, we know that Bank staff is already preparing recommendations for the implementation of the contents of the LPRR and that the results of the LPRR will be reflected directly in the Country Assistance Strategies.

The lack of transparency and the manipulation of the participation denounced by the Campaign at the beginning of the consultation process have been confirmed. The Bank disguised the redefinition of its land policy as a mere academic exercise in order to avoid taking responsibility for future operations and to impede any instances of citizen's control over the process. In addition, the most relevant policies such as the ones concerning land were not discussed by the Bank Board of Executive Directors but rather left in the hands of technocrats. What is the democratic legitimization of these policies? Who is held accountable for these decisions?

Beyond that, the mechanisms of control and monitoring of the Bank's activities are very restricted. For rural communities, it is practically impossible to stop Bank projects that threaten their rights. Mechanisms like the Inspection Panel are insufficient in all respects. The Brazilian experience with the pilot project of the market-led land reform *Cédula de Terra* demonstrates this: an inspection of the project was requested by the National Forum for Agrarian Reform and Rural Justice, a platform that brings together large and diverse sectors of the population fighting for agrarian reform in Brazil. The National Forum was however disqualified by the Bank's management by questioning whether the organization was representative and called the validity of its allegedly "philosophical" arguments into question. Despite the fact that empirical evidence was laid before the panel, the panel rejected twice the request for an inspection²⁹. Critical evaluations of this pilot project were not taken into account and the only evaluation was made by the Bank, which recommended the project's enlargement despite the problems pointed out there.

The case of the *Cédula da Terra* program demonstrates that the Inspections Panel is a very limited instrument, since it is designed to evaluate the impact of specific projects like dams, mines, etc. from a technical point of view. Projects related to the policy advisory level which have a deeper political and sectoral impact seem to be outside the jurisdiction of the Panel. There are no monitoring or 'watchdog' devices or institutions that account for the World Bank's activities at this level, although poverty reduction policies have been acquiring more relevance over the years.

This is a clear manifestation of one of the most basic contradictions: the pretense that the World Bank is a technical organization that stays out of internal politics, when in reality its intervention is on a massive scale, in favor of the ruling class and dangerously undermining democratic institutions and the democratic process as a whole.

In light of these experiences, nothing positive can be foreseen in the LPRR's proposal that promotes a land policy framework³⁰ which allows guiding government's interventions in this sector and converting policies into specific programs in specific contexts. The land policy framework bears the danger that Bank interventions in this sector may be implemented in a more systematic and profound way under the appearance of legitimacy and actual participation.

This proposal goes hand in hand with national strategies of rural development and poverty reduction. This idea would be very interesting if it gave the actors and the national institutions the leading role and the autonomy

in defining agrarian reform and development. However, the Bank continues to impose the policies that it considers a cure-all. Taking this LPRR seriously would result in changes so radical, in the way the Bank operates, that there are good reasons to doubt its feasibility.

The experience with strategies of poverty reduction, regarding the participation of affected populations and social movements, in addition to the national autonomy in defining policies, is overwhelming. The Bank prescribes these countries strategic formats and gives clear indications to the leaders about the principles and measures that must be respected in order to receive credits. The governments, eager for financial aid, know perfectly well that they must comply with the conditions of the World Bank. If the Bank's prescriptions conflict with national aims and strategies, the latter will have to be accommodated to the former or be sacrificed as it has been observed in Cambodia, Vietnam and Uganda³¹.

As far as social participation is concerned, which is highly valued by the Bank for its results in the strengthening of civil society, the appropriation and effectiveness of policies, as well as for increasing government's responsibility, the results of the World Bank have had serious effects: In Sri Lanka for example, consultation to civil society was restricted to inviting a few NGO's which were given a draft on poverty reduction strategy, under the condition that this draft could not be modified. While peasant organizations along with those of fishermen, labor unions, and other grassroots social movements were totally excluded from the consultation, the suggestions of the Chamber of Commerce of Ceylon and other business associations were taken into account in the strategy. For that reason, the Alliance for the Protection of National Resources and Human Rights affirmed the consultation was a total farce³².

For the Global Campaign for Agrarian Reform, the basic starting point consists in the human right to feed oneself and the right of farmers to produce and safeguard their food sovereignty.

The human right to food, as recognized in article 11 of the International Covenant on Economic, Social and Cultural Rights ICESCR, indicates that peasant communities are entitled to access to productive resources, specifically land. Each state and community of States that forms part of the ICESCR is then obliged to respect, protect and fulfil access to productive resources. Agrarian reform constitutes a human right obligation because it is the central measure that provides poor farmers/peasants with access to and control over land, seeds, water and other productive resources.

Therefore, discussing agrarian reform in terms of human rights means discussing the legal obligations which states have to comply with. In this sense, agrarian reform programs are not simply questions of 'best practices' and policy choices. International human rights law sets the standards that governments must adhere to and which can be monitored by citizens. These standards or legal obligations allow for citizens to claim their rights before a tribunal and put governments under public scrutiny.

Human rights also allow to defy any unjust judicial framework, economic arguments and development theories that negate the necessity of instituting agrarian reform programs or favor agricultural models based on large scale modernized production. Human rights confront these theories with the fact that the implementation of such a fundamental right like the right to food is not something that can be postponed until there is sufficient economic growth. The ICESCR demands that states apply these basic criteria in order to fulfill rights such as, for example, the immediate guarantee of a core content of rights, the right not to be discriminated against, the right to the participation of vulnerable or affected groups in the design of public policies. Also vulnerable groups must be identified and protected and the maximum of available resources must be utilized to progressively realize rights. This would mean that agrarian reform has to have priority over any other program of rural development, because there are not many different alternatives to agricultural production that offer income to the rural poor population. In this sense, not applying agrarian reform programs implies perpetuating gender inequality, as well as hunger, and the malnutrition of rural and marginalized families.

For the Global Campaign for Agrarian Reform then, the key questions of the debate over land policy that national governments and those governing responsible for international cooperation are obligated to answer are the following: How can rural communities implement their right to define/determine their own future? How will rural communities be included in the design of policy and programs at the national and international level? How can a clear and participatory body be established to monitor the implementation of land and rural development policies at the national and international level? How can we assure that monitoring mechanisms have enough power to suspend ongoing policies like those of the World Bank that are unjust towards rural communities? What mechanisms are can allow rural communities to complain and demand reparations if these policies and their implementation are negative for the enjoyment of their rights?

¹ An analysis of how the approach "growth in favor of the poor" in Poverty Reduction Growth Facility of FMI and in Poverty Reduction Strategy Papers of BM remains pure rhetoric while the liberal rigid model is still in force can be found in: Chavez Malaluan, Jenina Joy / Guttal, Shalmali 2003: "Poverty Reduction Strategy Papers: A Poor Package for Poverty Reduction" at <http://www.eurodad.org/uploadstore/cms/docs/APoorPackageforPovertyReduction.doc>. Gomes, Rafael/Lawson, Max 2003: "Pro-poor Macroeconomic Policies Require Poverty and Social Impact Analysis". Economic Policy Empowerment Programme, EURODAD at <http://www.eurodad.org/uploadstore/cms/docs/PSIAandpropoormacropoliciesDDfinal.pdf>.

² See among others, Ishii-Eitman, M./ Hamburger, J. 2002: "Pesticide and Biotech Companies: The Wrong Partners for the World Bank. Pesticide Action Network North America, San Francisco" at <http://www.panna.org/resources/documents/badPartners.dv.html>. PANNA's fact sheets on Bayer, Dow, DuPont, Monsanto and Syngenta (<http://www.panna.org/resources/wb.html>). Kennedy, D. 2001: Rio Tinto: Global Compact Violator. July 13, 2001 at <http://www.corpwatch.org/campaigns/PCD.jsp?articleid=622>. Stop ExxonMobil Alliance Web site, http://www.stopexxonmobil.org/static/agm_statement.html. Friends of the Earth 2000: "Dubious Development: How the World Bank's Private Arm is Failing the Poor and the Environment". Washington, DC.

³ To illustrate deep problems of approach and functioning of social security nets, see Bank Information Center, 1999: "Problem Project Alert #5: Two Loans in Indonesia: Social Safety Net Adjustment Loan (SSNAL) and Policy Reform Support Loan II (PRSL-II)" at http://www.bicusa.org/asia/ppa_indonesia1.htm.

⁴ On the disastrous effects of land policies, see the following chapter of this paper.

⁵ The Structural Adjustment Participatory Review International Network 2002: "The Policy Roots of Economic Crisis and Poverty: A Multi-Country Participatory Assessment of Structural Adjustment" at <http://www.saprin.org>.

⁶ See ETC group 2003: Oligopoly Inc. Concentration in Corporate Power 2003. Communiqué, issue # 82, November/December 2003. Heffernan, William / Hendrikson, Mary 2002: Multi-national concentrated food processing and marketing systems and the farm crisis. Paper presented at the annual meeting of the AAAS Symposium Science and Sustainability. The Farm Crisis: How the heck did we get here? Boston

⁷ To illustrate interests conflicts and influences of biotechnology and pesticide industries in the design and implementation of Bank policies, see letter of Pesticide Action Network Regional Centers and Partners to the World Bank, February 2003 at http://www.panna.org/campaigns/docsWorldBank/docsWorldBank_030207.dv.html#_ftn10.

⁸ The same as above.

⁹ See ETC Group 2003: Terminator Technology – Five Years Later. Communiqué, Issue #79, May/June 2003, Winnipeg. ETC Group 2002: Biopiratería +10. Premios Capitán Garfio 2002. Communiqué, N° 75, Marzo/Abril 2002, Winnipeg.

¹⁰ FIAN 2002: "Starving the Future. Violations of the Right to Food in the Context of Ecodestruction". Heidelberg.

¹¹ See Via Campesina account on biodiversity, biosecurity, and genetic resources.

¹² See among others: Hickey, Ellen / Mittal, Anuradha (eds.) 2003: "Voices From the South: The Third World Debunks Corporate Myths on Genetically Engineered Crops". Altieri, Miguel / Rosset, Peter 1999: "Ten reasons why biotechnology will not ensure food security, protect the environment and reduce poverty in the developing world" at <http://www.foodfirst.org/progs/global/ge/altieri-11-99.html>.

¹³ See Deere, C. D. and M. León de Leal 2001: Empowering women: land and property rights in Latin America. Pittsburgh, University of Pittsburgh Press.

¹⁴ "First, all major decisions regarding the future of the ejido (whether to parcelize and/or dissolve the ejido or to enter into joint ventures) are to be made by the recognized ejido members (Article 28 in *Tribunales Agrarios* 1994). This means that the spouses and partners of ejido members are excluded from decision-making. In effect, most women (since they make up only 18 percent of all ejido members) have no direct participation in determining the future of their communities. A second provision eroding women's rights, and the most dramatic change introduced in the new legislation, is that upon a majority vote of ejido members, ejidatarios may acquire a title to this land and dispose of it as they see fit, including renting or selling it. What was considered a family resource—the family patrimony—becomes the individual property of the ejidatario [...]. If an ejidatario decides to sell his parcel, his spouse/partner and children have what is called the „right of first buyer“ (derecho de tanto); however, they have only thirty days to make arrangements to purchase the land. Given the low wages and incomes of rural women it is doubtful that many will be able to exercise this right should their husbands decide to sell the family plot [...]. Third, and a major departure from previous practice, inheritance provisions no longer assure that access to ejido land will remain within the family. Now ejidatarios may freely choose their heir, which may be the spouse or concubine, one of the children, a parent or any other person (Article 17 in *Tribunales Agrarios* 1994; our emphasis). Moreover, the designated heir no longer has any responsibility to provide support to those who were economically dependent upon the deceased.

This change in inheritance procedures places rural women in a much more precarious position than ever before with respect to land rights [...]" (Deere, Carmen Diana / León, Magdalena 2003: "Reversing Gender Exclusionary Agrarian Reform: Lessons from Latin America". Mimeo, p. 16).

¹⁵ See, Carter, Michael 2002: "Distribution-Sensitive Land Policy Impact Analysis". Paper prepared for the Land Administration Workshop. Inter-American Development Bank, Washington.

¹⁶ See note of Pastoral Land commission of Paran/Brazil, about the visit of World Bank technicians who attempted to convince them about the benefits of land leasing system to solve the problems of unfair distribution of land in Brazil, in: CPT denuncia nova farsa do Banco Mundial, June 2003, in <http://www.cpt.org.br/?system=news&action=read&id=133&eid=126>.

¹⁷ See FIAN/La Via Campesina 2000: "La política de tierras del Banco Mundial" Informational sheet, Heidelberg. See also "La tierra es mucho más que una mercancía" International petition addressed to the World Bank. Global campaign on Agrarian Reform, December 2002.

¹⁸ For more information on the effects of this law, see Land Center for Human Rights 2001: Rights of Farmers Between Claims of Reclamation and Market Illusions. Land and Farmer Series Issue N° 12, Cairo. See also FIAN 2000: The Right to Adequate Food in Egypt. Parallel Report submitted at the occasion of the 22. session of the Committee on Economic, Social and Cultural Rights by FIAN International, Heidelberg.

¹⁹ See Amnesty International 1998: Annual Report on the Middle East and North Africa.

²⁰ Deininger, K. 2001: Land Markets and Land Reform. Paper presented at the International Conference on Access to Land: Innovative Agrarian Reforms for Sustainability and Poverty Reduction. Bonn, March 19-23, 2001, p. 24.

²¹ See CONGCOOP/CNOC 2002: FONTIERRAS: "El modelo de mercado y el acceso a la tierra en Guatemala. Balance y perspectivas" Guatemala See Borras, Saturnino 2003: Questioning Market-Led Agrarian Reform: Experiences from Brazil, Colombia and South Africa. *Journal of Agrarian Change*, vol. 3, N° 3, July 2003. Dias Victor, Andréa / Sauer, Sergio 2002: Estudo sobre a política do Banco Mundial para o setor agrário brasileiro com base no caso do Programa Cédula da Terra. Brasília. INESC 2002: "El Banco Mundial y el Banco de la Tierra: Profundización de la pobreza en Brasil". Nota Técnica N° 59, Brasília.

²² See CONGCOOP/CNOC 2002: Deere, Carmen Diana / León, Magdalena 2001, Walker, Cheryl 2002: "Agrarian Change, Gender and Land Reform. A South African Case Study". UNRISD Social Policy and Development Programme, Paper Number 10, April 2002.

²³ See Monsalve Suárez, Sofia 2002. Marcos legales y conflictos de tierras: Análisis desde una perspectiva de derechos humanos, en: Reforma Agraria, Colonización y Cooperativas, 2002/2. FAO, Roma. UN General Assembly 2002: The Right to Food. Note by the Secretary-General, A/57/356. 27/ FIAN/La Via Campesina 2000: Reforma Agraria: una obligación de derechos humanos. Folleto de información. Heidelberg.

²⁴ See Rosset, Peter 2001: tides shift on Agrarian Reform: New Movements Show the Way, *Food First Backgrounder* Vol. 7, N. 1 (2001), Institute for Food and Development Policy, Oakland.

²⁵ Statement by some participants from civil society on the World Bank Workshop on Land Issues in Africa, Kampala, 29 April- 2 May 2002.

²⁶ See La Jornada, May 21 de 2002.

²⁷ See <http://lnweb18.worldbank.org/ESSD/ardext.nsf/24ByDocName/PRRe-Discussion>

²⁸ Sauer, Sergio/ Wolff, Luciano 2001: O Painel de Inspecao e o caso do Cédula de Terra, in: Barros, Flavia (ed.) 2001: Banco Mundial, Participacao, Transparencia e Responsabilizacao. A experiencia brasileira com o Painel de Inspecao. Rede Brasil, Brasília.

²⁹ The national policy 'marco' would connect the land policies with policies to combat poverty, establishing low priorities among larger national goals and would look to win the political support of the majority of the population. In such, 'marco' is considered beneficial to generate consensus, to help to prioritize actions and guarantee participation in the implementation and vigilancy of the policies. As the way this process will be developed, the report principally specifies two things: for one part the definition of the policy 'marco' will be based on the broad dialogue that could be monitored using 'standard instruments.' The other side is that the report conveniently considers that projects would be evaluated and put in the debate over decision making about the 'marco' policies. International donors are calling for the support of these type of projects. (World Bank 2003: op. cit. p. 179).

³⁰ See Chavez Malaluan, Jenina Joy /Guttal, Shalmali 2003.

³¹ See MONLAR 2003: Compelling the poor to subsidize the rich. Analysis of Connecting to Growth: Sri Lanka's Poverty Reduction Strategy. Mimeo.