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## EFFECTIVE ACTIONS AGAINST LAND GRABBING

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# EFFECTIVE ACTIONS AGAINST LAND GRABBING



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# WELCOME TO THE EFFECTIVE ACTIONS AGAINST LAND GRABBING TOOLKIT!

This toolkit gathers together information on six tools that have been successfully used by members of the International Land Coalition (ILC) to prevent and remedy land grabbing, ensuring that all large-scale initiatives that involve the use of land, water and other natural resources comply with human rights and environmental obligations.

It is intended to facilitate mutual learning based on the good practices of specific ILC members. The opportunity to share knowledge is one of the main benefits of being part of a network like ILC. Use these tools, adapt them to your specific context, share them with your partner organisations and share with us your achievements and successes!

## WHAT IS THIS TOOLKIT FOR?

This toolkit aims to provide information on a range of tools that are intended to be effective at global, national and community levels, depending on their features. One of the main characteristics of the tools is their adaptability to different contexts and areas of work. ILC has aimed for these tools to be clear, replicable and, above all, useful in preventing and remedying land grabbing. This toolkit contributes to knowledge exchange within ILC's membership.

## WHAT'S THE STORY BEHIND THIS TOOLKIT?

The tools presented in this toolkit have been either developed or implemented by ILC members. [The Database of Good Practices](#) gathers the good practices shared by ILC members and partners around the 10 ILC commitments for people-centred land governance. It also includes good practices developed and implemented to prevent and remedy land grabbing. This toolkit is the result of an analysis of these good practices to extract information about six tools, selected for inclusion in this toolkit by using replicability as the key criterion.

## HOW TO USE THE TOOLKIT?

Each file describes the characteristics of each tool, its goal, the actors involved, the ILC members that have used it, the expected outcomes of using the tool and a step-by-step practical guide to implementation. The case studies at the end of each section summarise aspects of good practice connected with the tool's use by ILC members. Tools can be adapted to different contexts or needs. By using the links available, it is possible to access more information about each tool and to get in touch with the ILC members that have used it.

# ALTERNATIVE LAND REGISTRATION

## THE TOOL

**Alternative land registration** allows for the development of a community land registry by local non-governmental organisations (NGOs) to complement or challenge the land registry of a state that does not recognise people's rights to use the land. Alternative land registration allows indigenous and local communities to enforce recognition of their customary land rights and their right to free, prior and informed consent (FPIC) by governments and private companies working in their territories.

## ITS GOALS

- Creation of an **alternative community land registry**
- Use of **free, prior and informed consent** of local communities
- **Reversion of land** to local communities
- Enforcing **land use rights of local communities**
- **Promoting alternative land tenure security**
- Enforcing **national laws** that protect the land use rights of local communities
- Preventing land grabs affecting **occupants of customary land**

## ACTORS INVOLVED

Civil society organisations (CSOs), local NGOs, local communities, government departments.

### Already tested by:

**Trócaire** (Myanmar)

[www.landcoalition.org/en/regions/global/member/trocaire](http://www.landcoalition.org/en/regions/global/member/trocaire)

## MORE INFORMATION

### **"Empowered community reverts displacement for large dam"**

[www.landcoalition.org/en/regions/asia/goodpractice/empowered-community-reverts-displacement-large-dam](http://www.landcoalition.org/en/regions/asia/goodpractice/empowered-community-reverts-displacement-large-dam)

## EXPECTED OUTCOMES

- Reversion of community land lost to land grabbing
- Recognition of the cultural and diverse tenure systems of local communities
- Registration of land use agreements of local communities
- Communities are asked for their FPIC before infrastructure projects are commissioned on their land
- Government and construction companies respect the land uses and tenure systems of local communities
- Strengthened community land governance systems

## HOW IT WORKS

Registering customary land rights through a community registry and providing people with customary land use titles strengthens the local community's right to the land and resilience to land grabs. It challenges and complements government land registration processes, and obliges the government and private companies to seek FPIC from local communities before undertaking any projects on their land.

## ALTERNATIVE LAND REGISTRATION: STEP-BY-STEP

### 1. MAPPING OF TENURE SYSTEMS

To begin, mapping out all tenure systems recognised in the country is an essential step to identify all forms of alternative land right protections that local communities have, including cultural and statutory protections. In some countries, the state may hold ownership title over all agricultural land, with local communities having usufruct rights over it.

### 2. FURTHER RESEARCH ON FPIC AND COMPENSATION

By working with a team of technical experts, land rights violations by the government and by powerful private sector actors are documented. The relationship between the protection of diverse tenure systems and the right to FPIC of local communities must be noted and analysed.

Military governments are infamous for expropriating land without paying compensation for public use and benefit. They violate the land rights of local communities, who generally cannot afford to relocate themselves and who depend on the land for their livelihoods. In such cases, it is important to investigate whether the government is providing alternatives and paying compensation to local communities for loss of their land.

CONT.



### 3. ASSESSMENT OF LAWS

Next, it is useful to assess all the enabling and supporting legislation, and to keep abreast of all legislative changes in the country.

If the law does not authorise private or community ownership of land but allows the registration of land use agreements, local communities should be assisted to register their land use rights. The community initiative should not be contradictory to the laws of the country.

### 4. AWARENESS RAISING

Community buy-in is essential to the success of the project. The community is engaged using culturally sensitive research mobilisation methods. Based on the community engagement, priorities and strategies for alternative land registration are identified.

In parallel, other initiatives can raise community awareness about alternative land registration, such as T-shirt campaigns, poster campaigns, signboards displaying community grievances and aspirations, and stone-gathering sites, where people passing through the village can place a stone in support of the villagers' cause.

### 5. CREATION OF A VILLAGE COMMITTEE

A village committee that will lead and facilitate the community land registration process is formed. In traditional communities, community elders play a vital role and hold the key to traditional knowledge. It is essential to engage community leaders, who will also be part of the village committee.

The village committee assists the community to assert their land rights through a process of mapping all the land that belongs to them, including all timber, herbs, wildlife, flora and fauna in the area that would be lost as a result of the construction project. The village committee positions the local community as the rightful owners and protectors of the natural resources in the area.

Community members highlight their land-based income, and use the information to advocate for recognition of their land rights and to prevent or remedy dispossession of their land. Based on these facts, the village committee is supported in writing petitions to the local government and relevant ministries.

### 6. CREATION OF A COMMUNITY LAND REGISTRY

The village committee develops an alternative land registration system that it will use to engage the government to formally register the community's land rights. The village land registration form contains material particulars such as measurements of the land, its location and its owners. Neighbours attest to the accuracy of the document.





## FROM THEORY TO PRACTICE: THE EXPERIENCE OF TROCAIRE

### 7. REGISTRATION OF LAND USE RIGHTS

The government is continuously engaged to formalise the community land registry and to protect the land rights of community members. Engagement with the government should be non-confrontational and mutually beneficial, with special emphasis being placed on the benefits that the government itself, as a stakeholder, may get from a systematised community land registration process.

In Myanmar, Trócaire and Dawei Development Association worked with local communities to assist them in protecting their land and livelihoods against a company that was contracted by the government to build a hydropower dam, affecting four villages and displacing 1,797 people.

The two organisations sensitised the community on new land laws that allowed for land use registration of farmlands. They supported a process of community-led alternative land registration, which proved the plight of indigenous peoples in a case where an infrastructure project threatened to displace local communities without FPIC.

A village committee was formed to assist in the creation of community land registration forms. The council worked with community members to map and measure land, fill in registration forms and attest to the land use rights of fellow community members. The community land registry was used to prove to the government that communities would lose land if construction continued. Consequently, the government halted construction of the dam and acknowledged and documented the land rights of 386 community members.

# ALTERNATIVE LAND ACCESS

## THE TOOL

**Alternative land access** promotes communities' cooperative use and ownership of land, in a bid to strengthen the entire community's resilience to land grabbing. A cooperative owns and utilises the land for the common good of the community, and aims to strengthen community income and livelihoods.

## ITS GOALS

- Promote land **rehabilitation and utilisation to prevent confiscation** of land
- Promote community cooperative **ownership and use** of land
- Strengthen the **land rights of local communities**
- Strengthen the **resilience of local communities to land grabs**
- Strengthen **local livelihoods to prevent migration**

## ACTORS INVOLVED

Local NGOs, local communities, local government, national government agencies.

### Already tested by:

**ARAB CENTRE FOR AGRICULTURAL DEVELOPMENT (ACAD)** (Palestine)

[www.landcoalition.org/en/regions/europe/member/acad](http://www.landcoalition.org/en/regions/europe/member/acad)

## MORE INFORMATION

**"Economic empowerment to enhance resilience to land grabbing: Beit Skarya, the West Bank"**

[www.landcoalition.org/en/regions/global/goodpractice/economic-empowerment-enhance-resilience-land-grabbing-beit-skarya-west-bank](http://www.landcoalition.org/en/regions/global/goodpractice/economic-empowerment-enhance-resilience-land-grabbing-beit-skarya-west-bank)

## EXPECTED OUTCOMES

- Access to community land
- Rehabilitation and utilisation of community land
- Reduced confiscation of community land
- Strengthened and increased community income
- Reduced migration

## HOW IT WORKS

Alternative land access, rehabilitation and use strategies strengthen local communities' resilience to land grabs and provide alternative land-based livelihoods and income streams for communities dependent on land-based livelihoods.

## ALTERNATIVE LAND ACCESS: STEP-BY-STEP

### 1. NEEDS ASSESSMENT

With the support of a team of technical experts, the first step is an assessment of land fertility, residents' capacities to manage the land, threats of confiscation, agricultural land laws and the production and manufacturing potential of the local community. The needs of the local community, especially women and youth, are identified by using comprehensive and all-inclusive methodologies that include workshops, meetings and interviews with actors such as the local council, residents, representatives of the ministries of labour and agriculture, donors and the land registration department. Through statistical software, this information is used to generate a frame map and SWOT Analysis (Strengths, Weaknesses, Opportunities and Threats).

### 2. FOCUS GROUPS

The frame map and SWOT analysis are discussed and analysed through focus group meetings. These groups are made up of representatives from the community council and residents. The meetings offer an opportunity to investigate the community's interest and to discuss solutions to prevent land confiscation, creating land-based employment opportunities for the community and strengthening their livelihoods.

### 3. TRAINING COMMUNITY COOPERATIVES

Promoting the creation of producers' cooperatives in the community is instrumental to ensuring access to land for local people. Cooperative members are trained on different economic activities, including establishing their own agribusinesses (and other businesses), setting up savings and credit programmes within the cooperatives, creating markets where women can sell their agricultural products and any food that is consumed in the local community. Women and youth are trained on adding value to their agricultural products. As the most vulnerable members of society, women and youth must be involved in economic activities that strengthen their livelihoods.

### 4. SUPPORT FOR COOPERATIVES TO MEET FOOD SAFETY REQUIREMENTS

Cooperative members are also trained on different technical tools to upgrade their products to comply with food safety requirements, including labelling and expiry dates. Cooperatives are supported to source machinery to process, package and store their products and other kitchen equipment needed for manufacturing. Upgrading their production systems assists the local community to secure their livelihoods and increase their incomes.

### FROM THEORY TO PRACTICE: THE EXPERIENCE OF ACAD

ACAD worked with local communities in the Occupied Palestinian Territories to protect the land rights of local communities from land grabbing through access to land and its rehabilitation and utilisation, by planting different kinds of plants and trees. The community land, covering an area of 1,724.9 hectares, faces threats of land grabbing by Israeli settlers, supported by the Israeli military. This community of farmers and pastoralists needs the basic utilities required to provide a decent life for citizens. ACAD has worked with local communities to rehabilitate and utilise their land in order to strengthen their socio-economic situation and to prevent land dispossession and emigration.

ACAD conducted a comprehensive land assessment and was able to identify all lands that were susceptible to confiscation for expansionist and settlement purposes. Using alternative land access through rehabilitation and reclamation of land as their main tool, ACAD and the local community have managed to prevent land dispossession. The Beit Skarya community has rehabilitated more than three hectares of land that was previously unused.

Furthermore, ACAD and the local community have engaged in different types of agricultural businesses, including adding value to their produce. They have facilitated activities to strengthen the community's resilience to land grabbing, especially that of women and young farmers, by helping them to establish agricultural cooperatives, which have strengthened their livelihoods and agribusiness capacities. Strong agribusinesses have had a double benefit for the Beit Skarya community: they have improved people's livelihoods and have prevented migration from the village to other parts of the country. The prevention of migration is essential because it ensures the presence of people in the community, maintaining the usage of the land and preventing its confiscation by the Israeli government. Through the cooperatives, women have received technical and vocational training in adding value to their agricultural produce and are able to sell products such as cheese, grape juice, raisins and pickles at the local market.



# EVIDENCE-BASED ADVOCACY FOR RESTITUTION OF MINORITY LAND

## THE TOOL

Advocacy for the protection of cultural minorities' land rights can achieve the repeal of draconian and discriminatory land laws and their replacement with new, more just laws.

## ITS GOALS

- Recognition of **traditional land tenure systems**
- Recognition of **cultural minorities' land rights**
- **Repeal and replacement of unfair and discriminatory legislation**
- **Implementation of restitutive land laws**
- Protection of **cultural minority land rights**
- Strengthened **pro-poor land governance**

## ACTORS INVOLVED

Local NGOs, local communities, local and national government departments, parliamentarians.

**Already tested by:**  
**ASSOCIATION FOR LAND REFORM AND DEVELOPMENT (ALRD)** (Bangladesh)  
[www.landcoalition.org/en/regions/asia/member/alrd](http://www.landcoalition.org/en/regions/asia/member/alrd)

## MORE INFORMATION

**"Advocacy for the implementation of the Vested Property Return Act"**  
[www.landcoalition.org/en/regions/asia/goodpractice/advocacy-implementation-vested-property-return-act](http://www.landcoalition.org/en/regions/asia/goodpractice/advocacy-implementation-vested-property-return-act)

## EXPECTED OUTCOMES

- Recognition of traditional land tenure systems and land rights of indigenous peoples
- Repeal and replacement of laws that unfairly confiscate property from religious and cultural minorities
- Passing of laws for the restitution of land to minorities
- Implementation of restitutive land laws
- Restitution of land belonging to cultural minorities
- Protection of land rights of cultural minorities

## HOW IT WORKS

This tool highlights strategies for effective advocacy for the protection of cultural minorities' land rights. It contains strategies for challenging laws that deprive minorities of their land rights and advocating for restitutive laws, ensuring restitution of their land.

## EVIDENCE-BASED ADVOCACY FOR RESTITUTION OF MINORITY LAND: STEP-BY-STEP

### 1. RESEARCH

The first step is to build a solid database by conducting an assessment of the country's land laws and how they affect local minorities. In this process, partnering with researchers or research institutes that have technical skills to comprehensively assess land laws and their impact can be a good strategic step. Consolidating the findings of the assessment into a published report is useful for engaging all relevant stakeholders on the same basis.

### 2. PARTNERSHIP AND LOBBYING

Partnership with community members and other organisations that have similar goals is essential for gaining the buy-in of other stakeholders and, most importantly, to avoid duplication of work, thus saving financial resources.

Formal and informal community meetings are used to gain the buy-in of local communities, highlighting the implications of the law in question and the processes that are available for them to enforce their land rights.

It is important to simultaneously engage with other CSOs, government departments, political parties and parliamentarians and the media to mobilise public opinion in favour of putting pressure on policy makers and government officials to repeal and replace the old laws and to implement new ones.

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### 3. CONTINUOUS MONITORING FOLLOWING REPLACEMENT OF LEGISLATION

Even when the legislature has repealed and replaced the discriminatory land law, continuous monitoring and an assessment of the new law are necessary to ascertain its interaction with the land rights of minorities and to identify any loopholes. If the law has shortcomings, a follow-up study can suggest potential amendments based on the results of the assessment exercise and an implementation plan for the government.

Symposiums, conferences, panel discussions, seminars and workshops with parliamentarians, relevant ministries and local and national government officials based on the results of the research are all useful means of highlighting the effects of shortcomings in a law.

### 4. SUPPORTING THE IMPLEMENTATION PROCESS

If the legislature passes an amendment law or introduces regulations or rules explaining the implementation process, the government must be supported to set up statute-based tribunals and land claim committees for local communities to enforce their land rights. In the same vein, local minorities must also be supported to claim their land under the amendment act.

## FROM THEORY TO PRACTICE: THE EXPERIENCE OF ALRD



In Bangladesh, local Hindu minorities were faced with the controversial Vested Property Act (VPA), which was inherited from the pre-independence era under Pakistan. The law classified people who had migrated to India as enemies of the state, allowing their land to be expropriated for redistribution to remaining peasant communities. In the implementation process, the law unfairly targeted and expropriated land belonging to Hindu minorities. ALRD and its partners launched an evidence-based advocacy campaign to repeal the VPA and have it replaced by a new law, the Vested Property Return Act. ALRD's approach combined research, engagement with government, interpretation of laws and support to government implementation processes.

ALRD partnered with a local expert to assess the land laws and their impact on local Hindu communities, and published the results in a book entitled *Impact of Vested Property Act on Rural Bangladesh: An Exploratory Study*. The study found that the law was responsible for the eviction of six million Hindu individuals from their ancestral land and the

confiscation of 1.64 million acres of land, and was a major cause of mass emigration to India. Furthermore, the VPA provided the local and ethnic majority with an opportunity to grab land belonging to the vulnerable minority, knowing that they would not have any legal recourse.

The study provided a basis for a campaign demanding that parliament repeal the law. ALRD worked closely with the media, other CSOs, the government, political parties and parliamentarians. Its campaign aimed to sensitise the public on the need to repeal and replace the VPA.

Through symposiums, conferences, dialogues, panel discussions, seminars and workshops with parliamentarians, relevant ministries and local and national government officials, ALRD and its partners managed to influence the legislature on the need for pro-poor land laws. This resulted in the passage of the Vested Property Return Act. The new law was a positive step in protecting the land rights of cultural minorities; however, through further research and evidence – contained in a study titled *Political*

CONT.





Economy of the Vested Property Act in Rural Bangladesh – ALRD and its partners discovered that the new law had loopholes. This presented them with an opportunity to further engage the government and parliamentarians to pass an amendment to the Act and to introduce rules and regulations explaining the implementation process.

With the passing of the Amendment Act, ALRD and its partners assisted the government in setting up statute-based administrative tribunals and land committees for local Hindu communities to claim restitution of their land under the new Act. The government found itself under pressure and facing a backlog in the implementation process due to the number of land claims made under the Act. To speed up the process, it promulgated administrative rules that assisted in speeding up land claims covering a total of 450,000 acres. This land was returned to its legitimate owners and was registered. The new rules and regulations reduced backlogs of land claims and enhanced the efficiency of the judicial system in relation to them.



# CAMPAIGNING FOR TRANSPARENT SUPPLY CHAIN MANAGEMENT IN THE FOOD AND BEVERAGE INDUSTRY

## THE TOOL

A process for engaging with food and beverage companies to examine the extent to which their suppliers' businesses respect the land rights of local communities, and to determine whether they are involved in land grabbing. This process includes the ranking of food and beverage companies according to seven themes – land, women, small-scale farmers, farm workers, water, climate change and transparency – and engaging them to review their supply chains and to **incorporate land rights as a theme in their supply chain management.**

## ITS GOALS

- Influence food and beverage companies to **ensure that within their supply chains there is zero tolerance of land grabbing**
- Influence food and beverage companies to improve their **sourcing policies to respect land rights**
- Create a race amongst food companies to **adopt the most pro-land rights standards**
- Improve **transparency in the supply chains of multinational companies**
- Rank the top ten multinational food and beverage companies on their **supply chain management policies**
- Ensure that major food companies **respect the FPIC** of local communities and ensure that it is respected by all actors in their supply chains

## ACTORS INVOLVED

International NGOs, multinational companies, large-scale land investors and farmers.

### Already tested by:

**Oxfam International** (Global)  
[www.landcoalition.org/en/regions/global/member/oxfam-international](http://www.landcoalition.org/en/regions/global/member/oxfam-international)

## MORE INFORMATION

**“Global campaign presses food and beverage companies to respect land rights”**

[www.landcoalition.org/en/regions/global/goodpractice/global-campaign-presses-food-and-beverage-companies-respect-land-rights](http://www.landcoalition.org/en/regions/global/goodpractice/global-campaign-presses-food-and-beverage-companies-respect-land-rights)

## EXPECTED OUTCOMES

- Transparent supply chain management
- Respect for land rights in supply chain sourcing
- Prevention of land grabbing by sourcing from companies that respect the land rights of local communities
- Respect for the FPIC of local communities

## HOW IT WORKS

Campaigning for transparent supply chain management in the food and beverage industry strengthens transparency in land acquisition by ranking multinational companies according to their suppliers' respect for land rights.

## CAMPAIGNING FOR TRANSPARENT SUPPLY CHAIN MANAGEMENT IN THE FOOD AND BEVERAGE INDUSTRY: STEP-BY-STEP

### 1. CAMPAIGN PLANNING AND IDENTIFICATION OF TARGET COMPANIES

Care is needed in planning the type of campaign that will be implemented. First, it is necessary to research and plan which companies will be targeted in the campaign. Data on global revenues and Forbes' annual rankings can be used to select companies so as to feature top multinational food businesses that influence the entire food industry. Identifying suppliers for each company, by scrutinising the whole of supply chain, makes it possible subsequently to investigate their commitment to the land rights of local communities.

### 2. LAUNCHING THE CAMPAIGN

Companies are asked to disclose their top three suppliers and sourcing countries. The information they release, or refuse to release, is used to gauge their commitment to land rights, and influences the score they are allocated. Scores or points are allocated to companies and suppliers based on the information that is available on their practices.

For more visibility, the campaign is launched on social media, online and in print media, making sure that the public has enough time to become aware of it and react to it.

Because of the high risk of legal retaliation by the targeted companies, where possible and depending on the size of the campaign, legal counsel can be engaged for guidance on the confines of the law.

CONT. 



# BEHIND THE BRANDS

## 3. POSITIVE ENGAGEMENT WITH FEATURED COMPANIES

While challenging companies through marches and demonstrations, it is useful also to engage them on the findings regarding their supply chain. This will sensitise them to the plight faced by local communities where their suppliers operate. Most food companies are oblivious to the nexus between land rights and their businesses, as they do not own land directly. As such, companies must be made aware of the cross-cutting nature of land rights, and be persuaded to review their sourcing policies. Companies are thus presented with an opportunity to commit to the land rights of local communities.

## 4. REPORTING ON FINDINGS

A report on the findings and results of the research and engagement with the featured companies highlights the link between their operations and the land rights of local communities. It notes the companies' efforts to review their sourcing policies and challenges them to do more in protecting the land rights of local communities. At the same time, it exposes companies that are refusing to change their sourcing policies to protect the land rights of communities living and working within their supply chains. Based on the report, companies are encouraged to commit to local communities' rights to land and their FPIC.

## 5. PARTNERING WITH INTERNATIONAL MEDIA ORGANISATIONS

Media coverage of the campaign in the press, on radio and TV and through web-based news providers enhances its visibility, broadens its audience and gives credibility to its main message. The campaign can either partner with international media organisations or raise their interest in featuring the story.

## 6. FOLLOWING UP

At the end of the campaign, the implementing organisation follows up with the targeted companies to ensure that their commitments go beyond paper and are implemented in practice. Some companies may commit to requesting the FPIC of local communities, but not to ensuring the protection of community land rights.



## FROM THEORY TO PRACTICE: THE EXPERIENCE OF OXFAM INTERNATIONAL

In 2013 Oxfam launched Behind the Brands, a public campaign ranking ten of the world's largest food and beverage companies (Associated British Foods, Coca-Cola, Danone, General Mills, Kellogg, Mars, Mondelez International (previously Kraft Foods), Nestlé, PepsiCo and Unilever) on seven key themes: land, women, small-scale farmers, farm workers, water, climate change and transparency.

Oxfam combined various strategies to convince multinational companies that they have a responsibility to respect the rights of those living and working in and along their agricultural supply chains. These strategies included traditional print media and public stunts, social media, strong research, collaboration with communities and partners on the ground, investor engagement and active engagement with target companies using evidence-based advocacy.

Through the Behind the Brands campaign, Oxfam managed to engage multinational companies on their sourcing policies. At the same time, it engaged the international community on the plight of local communities in the sourcing countries. Six months into the campaign, Oxfam released a report called

“Sugar Rush”, in which it exposed land grabs in the sugar supply chain. This report highlighted the nexus between violations of land rights and the sugar industry in the supply chains of multinational companies. The report, coupled with an international media campaign, played an important role in broader advocacy efforts and presented Oxfam with various opportunities to engage with the companies to commit to FPIC and the land rights of local communities.

Consequently, four companies made far-reaching commitments to land rights, including zero tolerance for land grabs, and eight companies committed to adhering to FPIC. Coca-Cola and PepsiCo disclosed their top sugar suppliers in an effort to increase transparency in their supply chains. This has assisted intermediary producers and traders to consider the land rights of local communities in sourcing countries. Coca-Cola and PepsiCo have since used their influence to advocate for responsible land governance and practices in sourcing countries.



# MEDIA ENGAGEMENT FOR INCREASED ACCOUNTABILITY AND TRANSPARENCY ON LAND DEALS

## THE TOOL

**Media engagement for increased accountability and transparency on land deals** strengthens the knowledge and ability of local media organisations and journalists to report news in a manner that raises awareness of land grabbing and land-related conflicts and that influences policy change.

## ITS GOALS

- Influencing **policy change**
- Influencing **private investors to consider community land rights** in their land deals
- Training journalists to report on land-related cases in order to enhance **accountability, transparency and justice**
- Training journalists to expose **illicit land deals**
- Strengthening **access to justice** for victims of land grabbing
- Raising awareness of **grabbing of communal land**
- Raising **government, public and international awareness on the plight of local communities**
- Strengthening **communities' resilience to land grabs** by large-scale land investors

## ACTORS INVOLVED

CSOs, local NGOs, local communities, government departments and ministries, media organisations, journalists, local leaders.

### Already tested by:

**LandNet Malawi** (Malawi)  
[www.landcoalition.org/en/regions/africa/member/landnet-malawi](http://www.landcoalition.org/en/regions/africa/member/landnet-malawi)

## MORE INFORMATION

### "Media outreach campaign minimises land grabbing"

[www.landcoalition.org/en/regions/africa/goodpractice/media-outreach-campaign-minimises-land-grabbing](http://www.landcoalition.org/en/regions/africa/goodpractice/media-outreach-campaign-minimises-land-grabbing)

## EXPECTED OUTCOMES

- Journalists and media organisations are trained to effectively report on land rights issues
- Journalists collect information directly from community members through field visits
- Capacity is strengthened to report on land grabbing in print media and radio
- A database of information on land grabbing is created to inform land legislation

## HOW IT WORKS

This tool engages media organisations to ensure that journalists can effectively report on land grabbing and land-related conflicts. Training is complemented by field visits for journalists to improve their skills in covering topics like land grabbing and to gain knowledge about the plight of local communities who are faced with land grabbing.

## MEDIA ENGAGEMENT FOR INCREASED ACCOUNTABILITY AND TRANSPARENCY ON LAND DEALS: STEP-BY-STEP

### 1. IDENTIFYING TRAINING PARTICIPANTS

The first step is to identify the media organisations and specific journalists to engage with and to set up a panel of experts who can facilitate the training. Trainees can be identified based on their potential and interest in reporting land-related news.

Effective capacity development requires a capacity assessment, identifying the capacities that the journalists already have and the additional ones that they require to effectively report on land grabbing, enhancing transparency and remedying land grabbing.

The training and final report can be complemented by creating a baseline of land-related data, highlighting the key causes of landlessness and trends in land ownership and analysing the role of traditional and government authorities in land governance.

### 2. TRAINING WORKSHOP ON LAND GOVERNANCE INSTRUMENTS

A panel of experts, consisting of land experts and journalists, facilitates the training, engaging journalists on land governance instruments, rights of local community members and the obligations of traditional leaders and government authorities to make the reporting of land-related issues more accurate and effective.

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### 3. FIELD VISITS AND MEDIA TOURS


Conducting field visits and media tours exposes journalists to the challenges faced by affected local communities. Exchanges between journalists and local communities become more fruitful if the communities have already received training on large-scale land investments and have a foundational understanding of their land rights and possible methods of exposing land grabbing in their communities. Field visits are useful for journalists to gain as much information as possible by interviewing local community members on land dispossession and land grabbing, and they also contribute to raising awareness within the community on the importance of knowing about their land rights, national land governance instruments and the duties of the government and traditional leaders to protect community land rights.

### 4. ONLINE AND PRINT PUBLICATION OF FIELD VISIT FINDINGS

Journalists may publish articles based on the information gathered during the field visits. Such articles give the public access to objective and reliable information on land ownership and bring to light the effects of land grabbing on local communities.

### 5. PUBLICATION OF POLICY BRIEFS

The information gathered through the field visits can also be used by involved NGOs to write policy briefs aimed at lobbying the government for policy change. The policy brief can highlight the weaknesses of the existing policy and legal framework and suggest changes to combat land grabbing and protect the land rights of local communities, based on the evidence collected on the ground. CSOs can partner with research institutions to benefit from their expertise in the elaboration of findings.



## FROM THEORY TO PRACTICE: THE EXPERIENCE OF LANDNET MALAWI

LandNet Malawi and media experts built the capacity of local journalists and media organisations on land-related reporting and in support of their advocacy work promoting just land reform and aiming to curb land grabs. In the past, the Government of Malawi had promoted commercial agricultural investments, supporting the large-scale acquisition of land by investors even though it negatively affected local farming communities.

Local journalists received training on land governance instruments in Malawi, the rights of local communities and the corresponding duties of government officials. LandNet Malawi then took the journalists on media tours and field visits in the districts of Chikhwawa and Nkhonkhotakota to ascertain the lived realities of landless communities.

LandNet Malawi used its expertise to train the journalists on how to report land-related conflicts to grab the attention of policy-makers as well as the wider public. Using their newly acquired capacities, the journalists facilitated interviews with local community members on the effects on them of their land being sold to commercial investors.

Using the power of the media as an awareness-raising tool to expose land rights violations highlighted the multi-layered culpability of the national government, private commercial investors, local elites and village chiefs in land grabbing along the Shire River and Lake Malawi.

All the information collected by journalists during the field visits and media tours was subsequently used to develop a policy brief that was published in print and online media. The policy brief, developed in partnership with PLAAS, a Southern African research body based at the University of the Western Cape, highlighted the need for land policy changes and land reform that would protect men and women living on land that has a high commercial value. The policy proposal was grounded on human rights, human dignity and well-being, poverty eradication and social justice for members of vulnerable local communities.

In Nkhonkhotakota district, following wide media coverage and community sensitisation on their tenure rights, affected smallholder farmers referred a land grabbing case to a court of law. The court ultimately ruled in their favour, restoring their land to them.





# SUSTAINED LEGAL ACTION LED BY COMMUNITY-BASED ORGANISATIONS

## THE TOOL

Forming platforms such as independent **community-based organisations** (CBOs) can give the victims of land grabbing, who are often poor and marginalised farmers, the strength to advocate for their cause, seek legal support and highlight the conditions they are facing to public authorities. Mobilisation and sustained legal action are more effective when they are led by CBOs.

## ITS GOALS

- Formation of independent **community-based organisations**
- Strengthened **access to justice**
- Securing **community land rights**
- Strengthened **community resilience to land grabs** by economic and social elites

## ACTORS INVOLVED

CSOs, local NGOs, local and indigenous communities, judicial officers.

### Already tested by:

**CDA** (Bangladesh)

[www.landcoalition.org/en/regions/asia/member/cda](http://www.landcoalition.org/en/regions/asia/member/cda)

**CICODEV** (Senegal)

[www.landcoalition.org/en/regions/africa/member/cicodev](http://www.landcoalition.org/en/regions/africa/member/cicodev)

## MORE INFORMATION

### **"Halting land grabbing by local elite through sustained legal action"**

[www.landcoalition.org/en/regions/asia/goodpractice/halting-land-grabbing-local-elite-through-sustained-legal-action](http://www.landcoalition.org/en/regions/asia/goodpractice/halting-land-grabbing-local-elite-through-sustained-legal-action)

### **"Twenty years of legal struggle to obtain ownership of public 'khas'"**

[www.landcoalition.org/en/regions/asia/goodpractice/twenty-years-legal-struggle-obtain-ownership-public-khas](http://www.landcoalition.org/en/regions/asia/goodpractice/twenty-years-legal-struggle-obtain-ownership-public-khas)

### **"A peasant movement tackles land grabbing and reclaims disputed land"**

[www.landcoalition.org/en/regions/africa/goodpractice/peasant-movement-tackles-land-grabbing-and-reclaims-disputed-land](http://www.landcoalition.org/en/regions/africa/goodpractice/peasant-movement-tackles-land-grabbing-and-reclaims-disputed-land)



## EXPECTED OUTCOMES

- Use of national court system to enforce rights over traditional land
- Recognised ownership of land by local households who can use natural resources for their livelihoods
- Return of land to the local community for the benefit of community members
- Strengthened livelihoods and increased family income
- Strengthened relationship between independent CBOs and the local government
- Strengthened cooperation between CBOs and NGOs in securing community land

## HOW IT WORKS



## HOW IT WORKS

Individuals with similar interests within a village or community are grouped to work together to achieve their common objective in a structured manner. This consolidates and strengthens legal efforts to restore land to communities.

### SUSTAINED LEGAL ACTION LED BY COMMUNITY-BASED ORGANISATIONS: STEP-BY STEP

#### 1. COMMUNITY MOBILISATION AND FORMATION OF CBOs

The first step is to mobilise and engage the community by raising awareness about their land rights. On this basis, CBOs are formed to consolidate the voices of local communities and to strengthen their capacity to access government offices and courts.

#### 2. ASSESSMENT OF LOCAL TENURE SYSTEMS

Each CBO conducts an initial assessment of the situation on the ground. This includes a detailed outline of the types of land tenure system that are recognised by the relevant stakeholders. These may be unregistered customary tenure, registered titles or land subject to redistribution. The local communities, government and local elites may recognise and seek to rely on specific tenure systems on which to base their land claims. As such, it is important to have a detailed picture of the land tenure system of the local community.

#### 3. OCCUPATION OF LAND AND WATER BODIES

Local communities should have access to and be able to use land and water bodies that sustain their livelihoods. Occupation of such land and water bodies allows them to prove to a court that they are the rightful owners of the land.

Occupation of these land and water resources may lead local elites and other interested parties to intervene with force, intimidation or violence against local communities. By organising themselves into CBOs, communities gain the necessary strength to defend and protect their land rights.

#### 4. SUSTAINED LEGAL ACTION

Where community land rights are threatened, CBOs rely on the court system to determine the legal ownership of the land. Courts or traditional institutions with judicial powers are the guardians of the law. As such, CBOs seek relief from these institutions.

If a court or adjudicatory institution rules against a CBO, it must appeal or apply for review with an appellate court. Through the appellate court, the decision of the lower court can often be set aside and community land rights confirmed.

#### 5. DRAWING ATTENTION TO THE CASE THROUGH MEDIA COVERAGE AND PETITIONS

In order to draw local, international and government attention to the plight of local communities, CBOs work with reputable national and international media organisations to raise the profile of their case and to pressure the government to act.

Online petition tools, such as Change.org, Avaaz.org and 38 Degrees, can also be used to influence the government.



## FROM THEORY TO PRACTICE: THE EXPERIENCE OF CDA

In Bangladesh, the Vested Property Act (VPA) authorises the government to confiscate vacant land previously owned by people who have migrated to India. The Act defines the expropriated land as khas land – property under government ownership, for which there are no living individual owners. Although the Act aims to redistribute this land to local landless peasants, local elites usurp the land for their personal benefit.

CDA supported the formation of CBOs and partnered with them to support landless local communities to secure khas land. CDA and the CBOs facilitated sustained legal action for the protection of local communities' land rights.

CDA's experience showed that local communities in Bangladesh are isolated and could not make concerted efforts to protect their land rights. CDA mobilised local communities to form CBOs to claim their land rights. The CBOs consolidated the communities' voices and created a basis for concerted legal action.


After analysing all possible tenure systems that could be used by other stakeholders to found their land claims, the local communities occupied khas forest lands and water bodies that rightfully belonged to them, and persevered despite intimidation by the local elite. The occupation of these land and waterbodies resulted in local elites claiming ownership of the land based on fake title deeds.

Consequently, the CBOs approached the District Court for relief. The Court ruled against them, stating that their occupation of the land was illegal. However, CDA and the CBOs then engaged in an online petition to draw local and international attention to the case. Some 100,000 signatures were collected in favour of protecting the land tenure of the local communities and their access to khas land. At the same time, the matter was featured on CNN and BBC, two powerful international media channels, holding the Government of India to a higher standard of accountability.

Building on the momentum of the case, the CBOs appealed the decision of the lower court. The appellate court ruled in favour of the CBOs and local communities, and held that the communities had a legitimate claim to the land. As such, the government was ordered to issue land titles to the communities.

As a result of the intervention by CDA and the CBOs, 120 members of the community were granted title deeds over 115 acres of land and seven water bodies, which are now under collective management. Local community members engage in farming and fishing activities, and the profits are shared among community members.

With the VPA constantly being challenged by communities, scholars and NGOs alike, the Bangladeshi government repealed and replaced it with the Vested Property Return Act, a pro-poor statute that has sped up the settlement of land disputes, the return of land to its legitimate owners and its registration.



## FROM THEORY TO PRACTICE: THE EXPERIENCE OF CICODEV

In Senegal, the rural community of Diokoul Ndaiwrigne lost 400 hectares of its land to land grabbing by private investors. With the implementation of Délibération N.004/ET/SSR du 2005, the local Rural Council facilitated the grabbing of land and water bodies belonging to 99 families from four village communities for the establishment of a 2,070-hectare private farm.

CICODEV documented all rural land governance practices in the area and their impact on local communities. Based on its findings, it worked with local communities to establish Peasants' Committees in the Diokoul region. In partnership with the committees, CICODEV sensitised local communities about their land rights and the Rural Council's responsibilities for land governance. These activities assisted the communities to understand and to formulate strategies for engaging the Rural Council on its duties and obligations towards them, the responsibilities of farming communities and the rights of citizens to access information on land.

Based on their new knowledge, the Peasants' Committees partnered with CICODEV and requested a copy of the decision and land registration deed that authorised the establishment of the farm at the expense of local communities. When the Rural Council refused to issue a copy of the deed, CICODEV employed the services of the huissier de justice (the officer responsible for executing the decisions of the court) to access the land register.

It was discovered that the farm was not in fact at the location indicated in the deed issued by the Rural Council, which was 7km away from the disputed land. The reason for the change in location, and the overt land grab from the local community, was that access to water at the assigned location was poor and so the land was not suitable for agriculture.

The local community and the Peasants' Committees were determined to reclaim their land: they pulled down fences around the farm, which resulted in the arrest and criminal prosecution of 12 people. CICODEV mobilised financial resources to defend them. The judicial proceedings lasted three months, with three appearances before the court. Although the accused were acquitted, the public prosecutor appealed and the case was referred to a Court of Appeals. However, through sustained legal action and the efforts of the Peasants' Committees, the Appellate Court upheld the decision of the lower court and acquitted the peasants.

The momentum of the legal case and negotiation by CICODEV resulted in the restitution of 350 hectares of land to the local communities and the payment of compensation to the owners of the 50 hectares that were not recovered. As a result of CICODEV's community mobilisation and intervention, the local communities are now more involved in land governance matters and are able to hold the Rural Council accountable for its actions.



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### **International Land Coalition (ILC)**

ILC is a global alliance of civil society and intergovernmental organisations working together to put people at the centre of land governance. The shared goal of ILC's over 250 members is to realise land governance for and with people at country level, responding to the needs and protecting the rights of women, men and communities who live on and from the land.

### **ILC's Database of Good Practices**

We've created a space where land rights practitioners can look for and find inspiration and solutions to the challenges they face on a daily basis. ILC's Database of Good Practices is where you can learn from ILC members and adapt methodologies and tools that we know work!

**Visit the Database to learn, share and be inspired!**

**[www.landcoalition.org/good-practices](http://www.landcoalition.org/good-practices)**

