

INTERNATIONAL AFFAIRS COMMITTEE

To the Venerable, the 137th General Assembly:

WHOSE LAND? WHO BENEFITS?

INTRODUCTION

When people do not have access to land for home, sustenance and livelihood, tensions emerge. In the Old Testament it is variously understood as a place where all people can anchor their culture and nation, as soil and fields, and as geographic and political territory.¹ In today's world, land is increasingly a commodity, to be bought and sold. Access to and control of land is a source of conflict in many countries.²

Between 15 and 20 million hectares of farmland in the Global South have been subject to transactions or negotiations involving foreign investors since 2006.³ There are areas in India and countries in Africa where land is being sold to foreign governments and corporations by the host governments and displacing the former populations. This is the equivalent to the total area of farmland in France, and one-fifth of all the farmland of the European Union. This impacts the inhabitants who rely on the land for home and livelihood.

Climate change threatens to displace some Pacific Island nations as sea levels rise.

The International Affairs Committee intends to report on issues related to land over a three year period, beginning with this year's focus on land and vulnerable peoples in India, Guatemala and Malawi.

THEOLOGICAL BACKGROUND

"The earth is the Lord's and all that is in it..." (Psalm 24:1). With these words the Psalmist declares God's dominion and lordship over the whole world. Whatever ownership we claim over the land must somehow be subject to God's claim on it. God's claim can be seen to derive from the act of creation itself whereby with God's word, the heavens and the earth, the land and the sea, the animals and the humans, came into being.

Even in ancient biblical times the destructive effect of human habitation on the land is identified as an offense against God: "I brought you into a plentiful land to eat its fruits and its good things. But when you entered you defiled my land, and made my heritage an abomination" (Jeremiah 2:7). Isaiah writes of this spoiling of the creation as a transgression of the law: "The earth dries up and withers, the world languishes and withers; the heavens languish together with the earth. The earth lies polluted under its inhabitants; for they have transgressed laws, violated the statutes, broken the everlasting covenant" (Isaiah 24:4-5). Today, with far more evidence of how the land's pristine beauty has been sullied and its species diminished, we better understand that "each time the greater web of life is harmed, we too are diminished."⁴

If creation gives us a starting point for looking theologically at the question of land, the notion of Sabbath and its extension in the Levitical practice of Jubilee provide deeper examination of the limits of our use of creation. Sabbath is not just an element of the Mosaic law, but is itself grounded in the creation story. According to Genesis 1, each day God reviewed the work of the day and declared it to be good. The creation in all its goodness is given to the dominion of humans to provide for their needs and wellbeing, and even this arrangement of the sixth day of creation was judged to be "very good" (Genesis 1:26-31). It is interesting to note that human labour and the tilling of the land (Genesis 2:15) precede the disobedience and fall that occurs in Genesis 3, and are thus part of the unspoiled and good creation in which God delights.

God's rest from the work of creation (Genesis 2:1-3) and the subsequent embodiment of Sabbath observance in the commandments of Exodus 20 can be seen as a restraint not just on our labour and consumption, but also on our domination of the land. As abundantly as the creation provides for our needs, Sabbath suggests that there are limits within which we must live for our sake as well as the health of the creation. In Exodus 23, the notion of Sabbath observance is extended to the land, which is to be left fallow every seventh year, as a way to allow the land to rest and also to provide for vulnerable people: "...but the seventh year you shall let [the land] rest and lie fallow, so that the poor of your people may eat, and what they leave the wild animals may eat" (Exodus 23:11).

The laws given in Leviticus 25 begin with a reiteration of the requirement of a Sabbath year of "complete rest" for the land (Leviticus 25:1-7). Then follows the practice of Jubilee every 50 years (a Sabbath of Sabbaths) in which debts are forgiven, slaves are set free and the land is left to lie fallow. The Levitical law even anticipates the human tendency to try to take advantage of others through such a law, by providing for an adjustment in terms of the number of harvests remaining before the next Jubilee. "You shall not cheat one another" (Leviticus 25:17). Behind the Jubilee law lays an important principle: "The land shall not be sold in perpetuity, for the land is mine [says God]; with me you are but aliens and tenants" (Leviticus 25:23). All the provisions of Jubilee are a preventative measure to guard against our inevitable desire to concentrate power and wealth in the hands of a minority leaving the majority living in poverty. The call to let the land rest is connected in Leviticus to God's promise of abundance and security for the people, and the people's answering trust in God.⁵

The hoarding of land and subsequent abuse of power that it leads to are addressed by the prophet Isaiah. He uses the image of a vineyard to challenge land owners and the powerful elite who consolidate their holdings while the poor are forced into landlessness and debt. "[Woe to] you who join house to house, who add field to field, until there is room for no one but you, and you are left to live alone in the midst of the land" (Isaiah 5:8). Such accumulation is a betrayal of Israel's vocation to be God's "pleasant planting; [God] expected justice, but saw bloodshed; righteousness, but heard a cry!" (Isaiah 5:7).

Even where land ownership is acknowledged and our need to derive a living from it is honoured, such ownership brings with it responsibilities: "When you reap the harvest of your land, you shall not reap to the very edges of your field, or

gather the gleanings of your harvest...you shall leave them for the poor and the alien: I am the Lord your God” (Leviticus 19:9-10). This text argues for an understanding that the land exists not just for private use but for the common good and carries an obligation that it be used to help meet the needs of the poor.

The early church came to an understanding that all property existed for the good of all and was not to be treated as a private good or hoarded for oneself. “All who believed were together and held all things in common; they would sell their possessions and goods and distribute the proceeds to all, as any had need.” (Acts 2:44-45). This generosity in support of the poor extended to land: “...for as many as owned lands or houses sold them and brought the proceeds of what was sold.” (Acts 4:34).

We live in a time when private land ownership is protected, and carefully guarded. Private land ownership is considered desirable. Perhaps most challenging to us, then, is the indication that this was something the Saviour deemed unnecessary for his ministry, and rejected.

When an eager scribe expressed his desire to accompany Jesus wherever he went, Jesus described the cost of such ministry: “Foxes have holes and birds of the air have nests; but the Son of Man has nowhere to lay his head” (Matthew 8:20).

The Gospel of John speaks of Christ’s role in creation: “In the beginning was the Word...all things came into being through him” (John 1:1, 3). Paul’s Letter to the Colossians echoes this: “For in him all things in heaven and on earth were created” (Colossians 1:16). Sallie McFague, a theologian at the Vancouver School of Theology, draws on the metaphor of the world as God’s body making the point that creation is God’s self-expression in and through the Christ. There is a sacred dimension to creation. It is not simply inert matter, a commodity to be bought, sold and traded. So life in Christ is about the renewal of all earthly bodies and not just human ones. This attitude shapes our understanding of God’s creation.⁶

The biblical witness declares the goodness and abundance of the creation, and even suggests that there is enough for all, so long as we live within certain limits and curb our appetites to use up, control and hoard. In the biblical defense of the poor and powerless it suggests that wide disparities in wealth or power are not inevitable or a consequence of forces beyond our control. In fact, it constitutes a sinful tarnishing of the goodness of creation and requires correction through a process of redistribution of land and property. As the relationship of land, land ownership and the power conferred by land ownership is examined, biblical witness attests that access to land, and the need for the poor to derive sustenance from it, are part of the prophetic announcement of good news to all.

INDIA

India is a study in contrasts. India is perceived as a thriving democracy with a vibrant media, an active civil society and a respected judiciary. However, it also has significant human rights problems and an extensive “hunger for land and human dignity due to the experience of colonization and dispossession”.⁷ Since the introduction of market-based economic reforms in 1991, India has become one of the fastest growing economies in the world and vigorously courts foreign investment especially in the mining sector.

In India the ownership of land not only provides secure livelihoods but confers social prestige. Consequently, there are continuous struggles, some violent, that are waged over access to land. In this section of the report, two struggles for land are highlighted. The first is the successful struggle of the indigenous tribe (called adivasis) of Dongria Kondhs to prevent bauxite mining on their sacred ancestral land. The second is the ongoing campaign by Dalits (formerly Untouchables) especially Dalit women for access to arable land.

Making the connections

The Presbyterian Church in Canada has had a long association with India. It has maintained a missionary presence with the Bhil tribal people in Central India since 1873. Presbyterian World Service and Development has partnerships with non-church NGOs working in education, health and women’s empowerment.

The Adivasis: fight back in the mineral rich ancestral lands

The Indian Constitution uses the term Scheduled Tribes (ST) to describe the indigenous tribal populations or “adivasis” (original inhabitants). There are approximately 84 million adivasis people in India. Adivasis people are not part of the caste system⁸ and are generally egalitarian societies with distinctive cultures. They live in geographical isolation and eschew contact with outsiders.

The majority of the mineral rich areas of India lie in the adivasi areas of the poorest states located on the east coast on the Bay of Bengal. Since the central and state governments adopted the policy of “extractive industrialization”, the authorities have had to face adivasis determined to fight for their rights to land, forests and water.

The Dongria Kondhs live in the Niyamgiri Hills in eastern India. Their lands are covered by forests. The Dongria Kondhs are accomplished fruit farmers and practice shifting agriculture. The United Kingdom-based company Vedanta Resources planned to open a bauxite mine on Dongria Kondhs land. The mine would have destroyed the forests, disrupted the rivers and spelled the end of the Dongria Kondh as a distinct people. They fought back through the courts, practiced civil disobedience and were supported by a broad coalition of Indian left-wing political parties, human rights groups and non-governmental organizations. In 2010, after a five-year campaign, the 8,000 member Dongria Kondhs and their allies successfully convinced the Environment Minister of India to block the planned open-cast bauxite mine.

Unfortunately, resistance is rarely non-violent. The granting of mining concessions has spawned Naxalite⁹ (Maoist) activities in up to 40 percent of India’s land area.¹⁰ Violent suppression of the movement has done nothing to decrease its popularity.

Caste and the Dalit struggle for land

Landlessness and the hunger for land in India cannot be understood without some reference to the caste system and landholding patterns.

In Indian languages the word for caste is “Jāti”¹¹ (race). Caste is deeply embedded in Hinduism and describes the system of social stratification in which people are classified by occupation and family lineage. Caste is enforced through heredity and endogamy (marrying into one’s ethnic group, or social group as required by custom or law). While the Hindu scriptures endorse the caste system, they do not endorse caste-based discrimination. Yet, Dalits continue to be segregated and banned from full participation in Indian social life. Caste-based discrimination was outlawed 1950 but it continues to survive today because of a combination of political factors, social beliefs and learned behaviour.

According to the Hindu scriptures, there are four castes: the highest are the scholars, teachers and priests; the rulers and warriors; artisans; farmers and merchants.¹² The “outcastes” who are trapped in “unclean” professions are classified in the Indian constitution as Scheduled Castes (SC).¹³ They prefer to be known as Dalits (oppressed). They constitute about 60 million or 16 percent of the population.

In 1971 the Government of West Bengal (Communist Party Marxist-led Left Front) granted secure tenancy rights to about one million share-croppers. A high percentage of the beneficiaries were Dalits.¹⁴

The right to own land has systematically and historically been denied to Dalit men and women, yet 75 percent of the Dalit population depend on land for their livelihoods. They comprise the bulk of India’s poor, landless agricultural labourers who work for a few kilograms of rice, earn about \$1 CAD a day and are beholden to the higher-caste landlords.

Dalit efforts to secure land have been met with violence by the state or retaliation by powerful elites through violence or economic sanctions.¹⁵ The enforcement of both property and human rights is weak due to a culture of impunity. Dalit women are especially vulnerable as they are targeted in an effort to silence them and their menfolk through tactics ranging from verbal abuse and sexual harassment to gang-rape and ugly spectacles of public shaming.¹⁶

In the past couple of years, Dalit women have been critical of the patriarchal mind-set of the male dominated groups and have formed their own activist organisations. The National Federation of Dalit Land Rights Movements’ (NFDLRM) website now has a separate section on women’s struggles. Since 2008, women have been successful in gaining recognition and access to land especially in the southern states where the British non-governmental organization, ActionAid provides considerable support to Dalit organizations.

In October 2010, the National Council of Churches in India (NCCI) and the World Council of Churches (WCC) jointly convened a National Ecumenical Conference on Justice for Dalits. In the Affirmation of Faith issued by the conference the participants denounced casteism, caste discrimination and caste violence and called not only for repentance but for churches to be “zero tolerance” zones for casteism and caste-based discrimination. Furthermore, the affirmation asked that all churches make a commitment to designate Lent 2011 as a time of purging.

This is the strongest condemnation so far of the evils of casteism emerging from an ecumenical organization in India that includes both the Church of North India (CNI) and the Church of South India (CSI).

Recommendation No. 1 (adopted, p. 17)

That the Moderator of the 137th General Assembly write to the Church of North India and the Church of South India to support through prayer their endeavors to tackle casteism.

Both Canada and India endorsed the United Nations Declaration on the Rights of Indigenous Peoples. The Presbyterian Church in Canada through KAIROS works with Aboriginal people in Canada to encourage the Government of Canada to implement the Declaration. The Canadian Government can also encourage the Government of India in implementing the Declaration as it concerns India’s adivasis people and prospecting and mining activities.

The 2011 Human Rights Watch Report states that little or no progress has been made on human rights violations and denial of rights to the Dalits.

Recommendation No. 2 (adopted, p. 17)

That the Moderator of the 137th General Assembly write to the Government of Canada to encourage the Government to speak out against human rights violations against the Dalit and adivasis people in various fora including the Commonwealth and the United Nations Human Rights Council.

Trade negotiations and agreements inadequately consider human rights issues. As Canada and India are engaged in free trade negotiations, the Government of Canada should raise human rights violations against Dalit and Adivasi women and men.

Recommendation No. 3 (adopted, p. 17)

That the Moderator of the 137th General Assembly write to the Government of Canada to encourage the Government to integrate human rights impact assessments and monitoring in the free trade negotiations with the Government of India.

GUATEMALA

Land is important in Guatemala’s history. To the Maya peoples earth was important for cultural and religious reasons, and they lived off the soil before the Spanish invasions in the 1500s. Although they still attempt to eke out a living on small parcels of land in mountainous regions of the country, life in Guatemala, including land use, has changed. Guatemalan stories of struggles over, and for, land are at the heart of Guatemalan poverty and conflict.

A brief history of Guatemala

A 1960 civil uprising sparked a catastrophic 36 year civil war, rooted in social and economic disparity dating back to the colonial period. The 1996 Peace Accord ended the war, but failed to address the underlying issues that caused the conflict. Maya representatives were not party to the Peace Accord. Guatemala's 1999 Commission for Historical Clarification reported that 83 percent of the 200,000 war casualties were Maya and were carried out by state forces.¹⁷

There has been institutional racism against the Maya people for centuries. More than half of Guatemala's thirteen million people are indigenous Maya peoples. About 40 percent of the population is of European or mixed (indigenous and European) descent. This divide is at the heart of social tension and land disputes.

Land distribution as a source of struggle

Land access and land ownership patterns in Guatemala have changed over time. There is a correlation between the growth of large, export crop farms (such as coffee), and increasing levels of poverty in indigenous communities. The levels of poverty and inequality in Guatemala are among the highest in Latin America. Sixty percent of the Guatemalan population is rural, where poverty is most extreme. Eighty-one percent of the rural population are Maya. The Maya earn less than one quarter of the national income. The wealthiest 20 percent of Guatemala's population consume about half of Guatemala's gross domestic product. Half of the population lives on less than \$2 USD per day.¹⁸

The growth of export-based farms has been at the expense of indigenous control over and access to land. The first half of the twentieth century was marked by a movement toward private ownership of arable lands. Subsistence farms were set up in the less ideal western highlands (mostly on mountain sides) or on the fringe of agribusiness farms (in the coastal lowland, and elsewhere). About 40 percent of the rural population do not own land.¹⁹ The International Labour Organization reports that "the unequal distribution of land remains a major problem, with two percent of Guatemalans controlling 70 percent of the country's arable land."²⁰

Maya women are among the most vulnerable people. They experience the deepest rates of poverty, and have little or no access to land for farming and/or power in church and government structures. Literacy rates are lower among women. One consequence of insufficient access to land or jobs has been the migration of men to Mexico and the United States.

Struggles between land owners and agricultural labourers

The agricultural sector accounts for two-thirds of Guatemalan exports (coffee, sugar and bananas), more than half the labour force and 22 percent of Guatemala's GDP. Indigenous people provided most of the labour for the large export-crop farms.

For many years, the International Coffee Agreement stabilized coffee prices by regulating the supply. For a variety of reasons, the Agreement collapsed in 1989, and there was a global surplus. Between 1999 and 2003 coffee prices dropped from \$1 USD to less than \$0.50 USD per pound. There were 108,000 farm labour jobs lost; many of the labourers were Maya.

The "coffee crisis" was so severe, that the Guatemalan government established an emergency plan to ensure subsistence for rural communities. Land disputes increased. Some workers fought for outstanding wages, and pressured landowners by occupying the land. The government responded by violently evicting them.²¹

Fair trade and cooperative farming

Some Guatemalans are involved in fair-trade and co-operative farming. Purchasing fair trade coffee is one way to ensure that coffee farmers and farm labourers receive a guaranteed minimum price for their product. In the highlands of Guatemala coffee farmers in 11 villages receive \$2 CAD per pound for the beans they produce, instead of the \$0.30 they were paid previously (before fair-trade).²² There are at least 22 groups in Guatemala that produce and export fair-trade coffee. Most of these groups are small farms and co-operatives. Fair trade Guatemalan coffee is imported by at least 40 companies in Canada.²³

Extractive industry activities as a source of social tension in indigenous communities

Mining represents less than 0.5 percent of GDP in Guatemala (2005) and does not significantly contribute to the economy.²⁴ Yet, mining is proving to be a source of conflict and tension. The United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Mr. James Anaya, visited Guatemala in 2010. He notes that questions around land ownership have a bearing on disputes related to investment in, or development of Guatemalan natural resources.

Mr. Anaya reported that while some members of indigenous communities report beneficial business ventures resulting from extractive industry projects (such as mining), other community members have reported the contamination of rivers; the drying-up of wells; illnesses affecting infants; deaths of livestock; harassment and attacks on, and killings of, community leaders; enforced removals; damage to and demolition of houses; and cases of rape and sexual abuse of women.²⁵

The Marlin gold and silver mine is located in the western highlights of Guatemala. The deposit was discovered in the late 1990s by Montana Exploradora de Guatemala. The mine opened in 2005, and was acquired by the Canadian company Goldcorp Inc. in 2006.²⁶ The mine has been plagued by controversy.

Some indigenous communities allege that they were inadequately consulted when the mine was opened. The right to community consultation is outlined in international labour laws. The right of indigenous peoples to consultation is also outlined in the United Nations Declaration the Rights of Indigenous Peoples, endorsed by Guatemala. Some of the controversy surrounding the Marlin mine is rooted in these allegations. Mr. Anaya notes there is no consensus within the affected communities in favour of the mining activities.²⁷

The Presbyterian Church in Canada has one partner, Asociación Maya-Mam de Investigación y Desarrollo (AMMID)²⁸ that works in 7 communities that report being affected by the Marlin mine. These communities are concerned about contamination of community water sources. Community members fear the persecution of community leaders who voice concerns about the impact of the mine. There is social tension within the communities. AMMID reports that there are indigenous communities that reject mining on their lands.

In July 2010 the Inter-American Commission on Human Rights (IACHR) recommended that the Guatemalan government suspend operations at the Marlin mine pending further investigation into allegations made by eighteen indigenous communities of environmental degradation. The Government of Guatemala has begun an administrative process to address the IACHR's recommendation. Goldcorp Inc. has denied that there is evidence to support claims of water contamination and/or human health risks associated with the alleged contamination. At the time this report was written the Marlin mine was still operating (February 27, 2010). The Presbyterian Church in Canada owns 29,000 shares in Goldcorp Inc.

Recommendation No. 4 (adopted, p. 17)

That the Moderator of the 137th General Assembly write to Asociación Maya-Mam de Investigación y Desarrollo with greetings and to express our continuing prayers and concern for their work and wellbeing.

Recommendation No. 5 (adopted, p. 17)

That the Moderator of the 137th General Assembly write to Goldcorp Inc. asking for information on the company's policies and practices regarding allegations of human rights abuses and/or environmental degradation and encouraging Goldcorp's co-operation with the Inter-American Commission on Human Rights with regard to Marlin mine operations.

MALAWI

The Presbyterian Church in Canada has had a long relationship with the people of Malawi. Since 1968, International Ministries has had mission personnel serving the Synod of Blantyre. PWS&D supports a number of development projects.

The Republic of Malawi is a landlocked country in southeastern Africa. It was colonized by the British in 1891 and was then known as Nyasaland. Malawi gained its independence in 1964. In July 1966, Mr. Hastings Banda declared himself president of the Republic of Malawi and the constitution was amended to establish a one party state. Mr. Banda ruled Malawi with an authoritarian hand until 1992. With the end of the Cold War and the end of Apartheid in South Africa, Mr. Banda bowed to international pressure and called a referendum in 1993. The population voted in favour of a multi-party system.

Elections were held in May 1994. Mr. Bakili Muluzi, leader of the United Democratic Front, was elected president. He immediately freed political prisoners and re-established freedom of speech. Mr. Banda announced his retirement from politics.

Malawi is now a multi-party state with an active civil society. The church contributes to public policy issues. While there continue to be human rights violations, democratic institutions have taken a firm hold.

Malawi is among the world's least developed and most densely populated countries. The agricultural sector generates more than 40 percent of Malawi's gross domestic product, contributes over 90 percent to export earnings and accounts for 85 percent of total employment. The agricultural sector includes two groups: smallholder farmers (1-1.2 hectares) who make up almost 80 percent of the economically active population of Malawi; and commercial farm enterprises that produce tea, tobacco, sugar and cotton which are produced for export.

Following independence in 1964, the new government maintained colonial land laws and policies. Some land was to be available for sale on the market. Traditional chiefs continued to control large tracts of communal land. This resulted in a significant portion of communal lands being privatized or designated as state parks. Often communal land was sold or leased without regard to planning or the availability of infrastructure. Between 1967 and 1994, more than one million hectares of communal land were lost to private and public land.

The conversion of many communal lands to private or state ownership resulted in a growing number of landless peasants. The beneficiaries of these land transfers have been chiefs, politicians, senior civil servants and high ranking parastatal and industrial employees. They have a self-interest in the existing land tenure patterns.

A report from the National Statistical Office in 2003 indicated that over a million people had no land for agriculture. Over 23,000 people owned over six hectares per household.²⁹

There is a worrying trend in a growing number of African countries. Foreign governments and corporations are purchasing or leasing land to grow food for export. The companies come from the Gulf States, India, South Korea, China and Europe. As yet, there is no continent wide data on the amount of land purchased or leased or how many

people are affected.³⁰ So far, Malawi is less affected than other African countries; however reports in the Malawian media suggest that Malawi is not immune.³¹

One response has been the occupation of private and state owned land by smallholder farmers and the landless. These occupations are widespread in southern Malawi, especially in the districts of Thyolo and Mulanje on tea estates and in the extreme south around Chikwawa where a large multinational sugar company controls thousands of hectares. In both areas, there is an acute shortage of land.³²

Landowners have responded to these occupations by having the “occupiers” evicted, arrested and prosecuted. This is perhaps one of the main reasons that the land occupation movement in Malawi remains largely unorganized, uncoordinated and lacks sufficient linkages to other progressive forces within society. Landlessness and land hunger in Malawi are bound to grow in the foreseeable future. Consequently land occupations may well increase in frequency and scale.³³

Food insecurity

Farmers with small holdings or those with no land are at risk of food insecurity. A report from the UN Office for the Coordination of Humanitarian Affairs reported that while Malawi enjoyed a surplus, especially in maize, the basic staple food, the number of people facing food shortages grew from 147,492 people in 2009 to a projected 1.1 million in 2010.³⁴ This is especially a problem in southern Malawi partly caused by a shortfall in rain. The surpluses were generated in the north and central region but the government reported that it lacked funds to ship grain to the southern regions of the country.³⁵

Biofuels – blessing or curse?

In response to finite oil reserves, there is a growing interest in the search for alternatives, including biofuels. Brazil has been using biofuels for many years and is considered a model. American corn farmers have been given financial incentives to turn their corn into biofuels (ethanol). This shift resulted in food shortages and pushed up the price on the global market.

Malawi began biofuel production in 2009 from several jatropha projects that are underway in different areas of the country.

The jatropha is not one plant but a family of plants. It produces seeds that contain 27-40 percent oil. In 2009, one company in Malawi, D1 Oils, had 136,790 hectares of jatropha under cultivation. The oil produced will be used to fuel vehicles. The intent is to reduce Malawi’s dependence on costly imported oil.³⁶ Vehicles that run on fuel, fuel and ethanol are being imported into the country. Between 1995 and 2005, Malawi imported 80-90 million litres of petrol annually. The cost of petrol in the same period increased from US \$13 million to US \$36 million.³⁷

The global expansion in biofuels in the past few years has produced negative consequences. A report by the British agency indicates that the shift of food crops to crops for biofuels in 2008 led to a 30 percent increase in the global food prices. This pushed a further 100 million people into poverty.

There are no international agreements on whether biofuels are industrial or agricultural goods nor is there an international forum to deal with the trade in biofuel products. There is a risk that small farmers will be squeezed out of any potential benefits of biofuels.³⁸

Biofuels may not hold out the promise of reducing greenhouse gases.³⁹

Land Degradation and Climate Change

Several factors are contributing to the loss of soil fertility on smallholder plots. The mono-cropping of maize is a particular problem with current high dependency on chemical fertilizers and hybrid seeds. Poor ridging methods, deforestation and inability to allow land to stand fallow or to plant soil enhancing crops is a further problem.

In the past two decades there have been noticeable changes in weather and rain patterns. Rains come four to six weeks later. The storms are of a more severe intensity often causing erosion and crop damage. This is followed by long dry spells.

Drought resistant crops are only slowly being reintroduced by community based organizations as there is much resistance to crops other than maize, a food staple.

Most farmers in the Southern Region produce only enough food for five to nine months, leaving a long hungry season from January to March.

Impact of HIV/AIDS

The high incidence of HIV/AIDS in Malawi has an impact on the agricultural sector and on land tenure relations. About 14 percent of adults are infected with HIV and AIDS. This takes a heavy toll on the most productive segment of the population. Often men work part of the year as day labourers in estates or nearby towns with women doing 80 percent of the farming. If the husband becomes ill, cash income is reduced. If the wife becomes ill, the girls drop out of school to care for the siblings. Precious capital assets (radios, cell phones, pots and dishes) are sold for cash. Clinics are often far away and do not have sufficient supplies of anti-retroviral medicines to treat HIV. Grandmothers or the oldest siblings, who become responsible for households, are vulnerable to their land being taken away from them.⁴⁰

The Synod of Blantyre has not set up any formal mechanism to investigate land use in the Southern Region. The Blantyre Synod Health and Development Commission, however, is running a pilot program in the sugar growing region to promote a rights based approach to local government service delivery. This involves considerable paralegal work in dispute settlement between the estates and smallholders. In addition, the BSHDC, through its Church and Society

Program has conducted 'alternative dispute resolution' workshops to assist the local population handle issues of property rights and land use.

There are many competing interests for access to land in Malawi. As this competition intensifies in the years to come, the church's concern has to be for those who are most vulnerable. All should enjoy the fruits of God's creation.

Recommendation No. 6 (adopted, p. 17)

That The Presbyterian Church in Canada, realizing that Malawi faces enormous internal and external pressures to develop its farming, fishing and mining potential, encourage its partner Synods of Livingstonia and Blantyre to advocate that all development brings benefit to the most poor and vulnerable, while protecting its precious environment.

CONCLUSION

Access to land is foundational to human existence and well-being, and the above examples from India, Guatemala and Malawi have all demonstrated the plight of vulnerable people who have been denied that access and thus have not been able to enjoy the life-giving benefits that land provides. Where the ownership and control of land is concentrated in large corporations or wealthy individuals, and the poor are restricted to renting land or owning subsistence-sized plots, the result is staggering levels of poverty and suffering and even abuses of human rights. In particular our examples have demonstrated how women have borne the brunt of this suffering.

To read the stories of the plight of vulnerable people who have been prevented from the use and livelihood which access to land provides seems far removed from the biblical picture with which we began, where we acknowledged that the land belongs to God and in our stewardship of it we need to remember that it needs to be used responsibly and for the common good. Our response to these injustices can be to support the right of people everywhere to have access to the land, to urge governments and corporations to honour even the limited rights that the poor have to land, and to allow the poor somehow to be able at least to glean something of a living from large plots of land owned by others.

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END NOTES

1. Burge, "Land", p. 570-75.
2. Whitehead, IDRC.
3. De Schutter.
4. Hathaway, p. 163.
5. Norman, p. 25.
6. McFague.
7. Fairweather.
8. Adivasi Christians do not automatically lose their traditional tribal beliefs and rules.
9. Naxalbari in West Bengal saw a violent Maoist-led uprising in 1967 which persists across India even today.
10. Cutler.
11. No genetic separation between the castes has ever been scientifically proven.
12. Within the four castes are hundreds of endogamous sub-castes.
13. The British Raj, Christianity, Islam and Sikhism have all accommodated the caste system in distinct ways.
14. The same government is now in the business of land giveaways to multinational corporations.
15. Human Rights Watch, "Hidden Apartheid".
16. Human Rights Watch, "Broken People".
17. Wakeling, p. 4-6.
18. Grover.
19. Wakeling, p. 22.
20. Vinding, p. 6.
21. International Crisis Group, "Guatemala," p. 5.
22. Belford.
23. Justice Ministries can provide a list of these companies for individuals or congregations who would like this information.
24. Oxfam, p. 2-3.
25. Anaya, p. 3.
26. The mine touches the municipal boundaries of San Miguel Ixtahuacán and Sipacapa.
27. Anya, p.7.
28. AMMID is based in the Comitancillo region, in the western highlands of Guatemala (A&P 2010, p. 493).

29. "Malawi, Access to Land," United Nations Integrated Regional Information Networks.
30. Palmer, p. 3.
31. *Nyasa Times*.
32. Chirwa, Research Programme Consortium.
33. Kanyongolo, p. 17.
34. "Malawi: Food Surplus," UNIRIN.
35. Ibid.
36. Lane.
37. Mkoka.
38. "Report maps," International Institute for Environment and Development.
39. ActionAid, p. 3-4.
40. Arrehag.