



Who should own and control land



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Background

In Sri Lanka the issue of land ownership has been very complicated. It has led to many political conflicts it has resulted in military conflicts that have resulted in the loss of several hundred thousand lives. Not only the war in the North was related to the issue of land ownership but also the uprisings in the South in 1971 and also in 1988-90 had a lot to do with land ownership. This is why there were Land reforms in 1972 and in 1975 and a “Presidential Task Force for Distribution and Utilization of Land “was appointed after the suppression of the rebellion of 1988-90.

However, these issues have not yet been solved meaningfully. Even after the 30 years long war in the North, the issue of who should control land has not been solved and the “Lessons learnt and Reconciliation Commission (LLRC)” does not seem to have provided any meaningful suggestions.

One important factor in relation to land ownership is that in Sri Lanka small holders prevail in the country still. This has been a policy in Post-Independence Governments for very long. Although the World Bank has been pushing governments to overcome this situation and has proposed Market led land reforms, promoting a “free land market” these legal reforms have not yet been implemented fully.



During the Provincial Council Elections held in September, 2013 the TNA contested on the platform of devolution of power and got almost a complete mandate for their position which is interpreted by some as a demand for recognition of the North as the “traditional home lands of the Tamil people”. This demand which is so strongly embedded in the minds and political thinking of the Northern Tamil people is interpreted by some as a

Demand for a “separate state”. This is, therefore, opposed, by many who believe that Sri Lanka is the land of the Sinhala People Some parties take a position of supporting the position of the Tamil political parties and get almost completely marginalized, while others take the position which they believe is of the Sinhala majority position and are therefore seen as taking a Sinhala chauvinist position. Thus many of the political parties are in a confused state unable to decide on their policies in relation to ownership and control over land. All these indicate that the question “who should own and control land?” is not yet clearly solved.

If we look at the totality of proposals on land in the neo liberal set of proposals we end up in an absurd situation. this is now being gradually carried out as we see in Paanama and Kalpitiya According to these proposals the rural small holders are to be encouraged to sell their land and migrate into cities looking for non-farm employment, The urban poor, the slum dwellers and those in shanties are to be driven out to take over the valuable land in urban areas for city development. The fisher people are to be pushed out to make coastal land available for tourism development and building of modernized cities. This was proposed by TAFREN in its post Tsunami rebuilding plans, The land in agricultural areas are to be given to big companies for production of sugar cane and other commercial crops. The organized labour in industries are to be made insecure in their employment saying a free “labour market is necessary. Many people are being displaced for construction of express highways, international airports and so on. There were attempts made to push out people who were engaged in lagoon fishing to utilize lagoons for launching of sea planes and so on. So, finally almost all people were to be pushed out of their land and livelihoods to create an attractive environment for foreign investors. Thus it is obvious that those who want to protect livelihood of ordinary people will have to prevent these policies.

In trying to deal with the issue it is necessary that we go to the fundamental understanding of the issue and also look at the present situation where mistakes made in dealing with the issues of land are creating tremendous problems. Let us look at the way land ownership and utilization has been handled in the past.

History of land ownership and use of land

For a very long time in history land was acquired and used by those who had power. Land was then looked upon as something to be plundered and natural resources were to be exploited to the maximum possible. States and laws were formulated to justify this process of plunder. This is what the British did when they took over power in the country. When land was acquired even by force it was possible to formulate laws that legitimized this acquisition. It was the British who introduced the concept of private ownership of Land. They cut off all forest in the hill country and used it entirely for tea growing which brought them tremendous profit. Nature was then seen as a “limitless resource”. So it was OK to extract and exploit nature’s resources to the Maximum and as vigorously as possible. Intensification of such exploitation was seen as “advancement”.

This situation has now come to an end. Limitless exploitation and destruction of nature and its resources cannot continue any more. Now it is commonly recognized that nature and its resources are limited and have to be protected. Conservation of nature and its resources have become important concepts.

“Sustainability” has become a key word in our development dialogue today. But what do we want to sustain? Is it a basically destructive system that we want to sustain for a little longer? Or do we want to create a new system that will provide sustainability for ever for all life?

Humankind has solved many problems such as diseases, natural disasters, transportation, industrialization and agricultural needs irrigation, sea travel and flying etc. But there seem to be some problems that are unsolvable. For instance the gap between the rich and the poor is ever increasing; Attempts to reduce hunger have failed. World financial systems are facing crisis after crisis, world system of trade has not yet been solved. Human conflict is increasing, Global warming and resultant climate change seems to be a crisis that is not going to be solved.

Why?

Why is this so? This is because the people who have taken responsibility to solve these are the very creators of the problems. They do not want to address the real causes of these problems since they benefit from these causes. Therefore it is high time that humankind should look at others who can take responsibility and overcome the causes. It is obvious that those who genuinely want to overcome problems are those who suffer and are victimized by them.

When we look at the present struggles for control the competition is between the elite of one nationality or one country against another. Whoever wins will have control over the resources of land and nature and would be free to exploit them as they like. The ordinary people of one nationality or ethnic group support their elite to take control, but the ordinary people do not benefit from the battles. Is there a way in which the ordinary people achieve victories and benefit from them? Can we think of a way in which land use can be utilized to solve the basic issues of hunger, poverty and of meeting the essential needs of such people whose needs are not met? Land issues of neither the North and East nor of the South or the hill country have been solved. In all these areas land is being plundered and exploited for the exclusive benefits of the elites and powerful who are having political control.

It is therefore necessary that we work out policies that allow the poor and marginalized people to utilize land and natural resources to solve these essential requirements of the poor, whether they are Tamils, Muslims, Plantation people in the hill country, the fisher people who live on the coastal areas and on the sea. One requirement is that land should not be allowed to be destructively exploited. This applies to the sea and the waters. Today in the name of advanced agriculture land is utilized very destructively. Firstly the trees are cutoff. Then the deep ploughing of land leads to accelerated erosion, Use of monoculture farming and use of heavy machinery leads to further destruction, spreading of diseases and losses due to weather changes. Use of chemical inputs contribute to the land losing its fertility and microbial activity that makes the soil fertile.

An essential requirement today

One essential requirement of today is to ensure that nature is not allowed to be plundered excessively. In fact we have to go further and ensure that nature is restored or regenerated. The damage that has been caused so far is too heavy. Therefore, it is necessary to adopt a process that restores it. Nature and all forms of life survive due to their ability to regenerate themselves. If you look at any animal, plant or any natural process they all survive as a result of this ability to regenerate themselves.

What we need today is not mere “sustainability” of systems that are basically unsustainable or should not be sustained, but systems that restore the ability of nature to regenerate itself.

The same can be said of the creative contribution of human beings. It is said that 2/3rds of the human population is excluded from the present day system of market led economy. This system cannot use them. They are not needed either as producers, consumers or as labour. Therefore the system expects them to disappear. This is why the economic systems continue regardless of the fact that over a billion people go to bed hungry every day. Even in the United States, the richest country in the world, it is said that over 50 million people are hungry, although US claims to be able to provide food to the rest of the world. So, a new system that allows humankind to play a creative role should be devised.

The most effective and the most important role for humankind today is to play a role that restores the ability of nature to regenerate itself, thereby playing the most essential task of working for the survival of life. The relationship between nature and humans should be one in which a positive and a creative role is assigned to either and both benefit from it and their creative contribution is utilized.

When we look at the question of who should control nature, land and its resources it is very clear that it should not belong any longer to plunderers of nature, whether they are agriculturists, industrialists, big companies or political leaders of ethnic groups or countries. They are inherently incapable of changing their motives and methodologies since they are moved by intensions of maximizing profit extraction. Profit extraction can only be done by plundering nature, nature’s resources and of human beings.

Ecological Approach - a solution for those without capital

On the other hand those without capital for investment have to make use of what nature gives them free of charge, meaning by going into natural processes. If we look at the principles of ecological agriculture we see how this happens. Seeds give birth to plants when they have the necessary moisture and warmth. Plants absorb sun light, CO-2 in the atmosphere and moisture producing food for it, this becomes food for the plant, other

plants and animals. They then produce flowers, fruits and seeds, which produce new plants. When the plants die and decay they are converted into soil fertility.

Insects play a role in pollination and in keeping insects in balance, under control; microbes help the process of decay and transform organic matter into fertilizer for new plants. This entire process is free of cost and in ecological agriculture what humans have to do is to understand this process and assist it to the extent possible. Depending on what nature gives them at no cost.

This can most effectively be done by small farmers on small plots of land. Therefore it is clear that small scale agriculture is far more effective and efficient than the large scale mechanized agriculture that uses heavy machinery and fuel based inputs such as chemical fertilizer, pesticides, insecticides, weedicides etc. Modified seeds such as high yielding hybrid seeds or genetically modified seeds do not solve the problems since they are generally external input dependent, unhealthy and also disruptive of the natural process.

Some recent global studies

Some recent studies, at world scale, have shown that the required transformation in agriculture is to be more socially relevant and environmentally sound. A study that was done a few years ago by a group of 400 eminent scientists over a period of four years in a large number of countries showed that agriculture though has had much advancement has the following defects. Agriculture should address the social issues and environmental issues more meaningfully. This study also rejected genetically modified organisms. This study was called **IAASTD (International Assessment of Agricultural Knowledge Science and Technology for Development)**. It was accepted by a large number of countries although USA and a few other countries did not recognize this study.

Dr Olivier De Schutter, The special Rapporteur of the UN for right to Food presented a paper to the UN Human Rights Council titled “Agroecology and Right to Food” in which he clearly showed that agroecology was the way to solve hunger in the world. He used experiences in many different regions of the world to show that agroecology has shown the ability to double food production between three to ten years. Thus the basic principle to be applied in deciding who should own, control and plan for land and natural resources is that they should be those who utilize the same for restoration of nature’s ability for regeneration and not for destructive exploitation that further weakens ability of nature to regenerate itself.

Thus the requirement in acquiring land should not be only obtaining prior informed consent, Paying compensation etc. It should be primarily how this land is to be utilized. Is it for the recovery and wellbeing of nature and all forms of life or is it for further destruction of life and survival. It should be initially for meeting the essential needs of the poor and hungry people, their survival requirements.

How should political parties look at Land policies ?

With these fundamentals clarified how should the political parties look at the issue of land ownership and control. Land owned by Sinhala Leaders or Tamil or Muslim leaders will not solve the problem as long as they assume that they have a right to plunder and exploit land destructively. WE see these happening in the South too where control over land is undisputedly in the hands of the Southern or Sinhala leaders. They would like to invite exploitative foreign investors to take control over land in many agricultural areas such as Monaragala. In the plantation areas land is still under the ownership of private companies who are exploiting the land destructively, In fishing areas the intension is to invite tourism to utilize the beaches and the coasts driving away the coastal fisher people out of the coasts. Even if the Tamil majority areas are given over to Tamil elite leaders and they use it destructively the problem of the landless Tamil people would not be solved. If external chemical input agriculture is utilized islandwide the destruction would not be solved.

Land ownership policies for progressive political parties

Therefore, the policy positions of political parties if concerned with the interests of the poor should be that

1. "Land should belong to only those who utilize it regeneratively". Any destructive use of land should be prohibited. Restoration and regeneration of land should be high priority. It is immaterial to which ethnic group or race to which people belong.

In Plantation areas

2. Thus, in the plantation areas transforming hill country land into regenerative agriculture is of primary importance. To do this the process should be to transform land ownership in the hill country to the ownership and control of plantation people. The Government has already declared its intension to give away uncultivated land at two acres each to people. This should be given primarily to plantation families who are living on this land. This should go beyond uncultivated land. It should cover the entire hill country. This is a necessity for recognizing them as dignified citizens of the country. Their independence has not been given when Sri Lanka got independence in 1948. They should be encouraged, guided and assisted to do ecological farming that would regenerate the hill country. They should be enabled to earn better income increasing the productivity of ecological agriculture, Mixed cropping, animal husbandry, non-use of chemical inputs, agroforestry in the higher elevations etc. This improvement should enable them to build proper houses, good education for their children, better and more nutritious food, good health facilities. These should give

them the confidence that they belong to the country and that the country belongs to them too.

Prohibition of chemical farming

3. Prohibition of chemical agriculture island wide is a necessity. Regeneration of soil fertility by recycling of all organic matter and combining it with animal farming utilizing animal dung and urine is essential. This can improve health and environment and also save a lot of money now used for chemical inputs, all of which are imported at tremendous cost. Money that is now used for subsidizing chemical fertilizer could be given to those who regenerate their land and environment.

Coastal and fishing areas

4. In the coastal and fishing areas the beaches and the sea should belong to the fisher people, it is their hereditary right. They too should be trained in utilizing ecological and regenerative methods of fishing and using resources.

Rural and Agricultural Areas

5. In rural agricultural areas there should be a policy of protecting small farmers right to land and natural resources. Any attempts to evict them from land and livelihoods must be resisted. Setting up big sugar cane plantations or promoting maize farming for animal food should not be encouraged in preference for human food farming and domestic animal rearing.
6. In Provinces such as Wayamba (NWP) where there is extensive paddy farming it is necessary to encourage indigenous paddy farming which is low cost, free of poisonous inputs, non dependent on imported inputs. Reduces pollution and also more nutritious. If this is done properly the expenditure on paddy farming can be reduced and also rice could be made cheaper. Giving rice and food at affordable cost was a policy adopted in Sri Lanka from the time of independence until this policy of subsidizing rice was removed on World Bank advice.

Also in areas where large coconut plantations are done as monocultures It is possible to divide such estates into smaller plots of say ½ acre or 1 acre each and give them to landless small farmers to do diversified ecological agriculture on a lease basis where certain percentage of yield is give as land rent. This would increase the productivity of coconut and also overall productivity from other crops, soil would improve and input costs would reduce. Landlessness of people can be reduced too.

Similar changes can be done in areas such as Monaragala District where there is considerable land availability.

Reducing rural to urban Migration

7. While we disagree with the policy of pushing out urban poor from cities to make way for rich businesses we must also have policies that would not encourage the rural people migrating to cities to sell themselves as cheap labour or as unemployed destitute.

Planning land utilization from bottom upwards – Requirement for Democracy

An important requirement for democracy in Sri Lanka is to introduce planning from bottom upwards. In Sri Lanka democracy has not been functioning properly due to several reasons. One major reason has been that ruling from top downwards has been the pattern almost throughout history. During the time of kings the king owned the whole country and he /she appointed various feudal lords to control various areas, all the others were subordinate to them and they obeyed. The British tried to abolish the “Rajakariya System since they wanted free labour. This was resisted by the feudal and people supported these rebellions. The British then gave up the idea and absorbed the fudal lords into their administrative system. They were given high positions such as “Disawes”, Korales, Rate Mahaththayas and gam muladenis and so on. People obeyed them. When the first political party, the UNP was formed as a national Political party. The top leaders were the English Educated, Pro British urban elite such as Sir James Peiris, F.R Senanayake, D.S. Senanayake, Sir.Ponnambalam Ramanathan, Sir Ponamblam Arunachalam and other. In the other areas thy were the feudal elite such as Bullankulame Disava. The Rajapakses in the South and so on. With this elitist support UNP could easily get the votes of the rural people. The LSSP and CP educated people of their rights and won many demands such as free education, free healt, subsidized rice and price controls. They also won many demands on labour ights. However, they could not get sufficient majorities to win government. When S.W.R.D. Bandarnayake crossed over from UNP and formed SLFP a sufficient group of elite , second ranking elite in many areas crossed over with him. He united them uder the banner of “Pacha Maha balawegaya” Sangha, Weda, Guru , Govi Kamkaru. Thus again the rural elite won the support of the rural masses. Thus we see a continuity of elitist domination in politics in Sri Lanka. This domination has been continued ever since. The traders and money lenders became dominant groups subsequently. Sometimes it was the high handed people who controlled political power. People began to beg for their favour to get promotions, transfers to

convenient places of work etc. This has now become the established pattern. The trend now is to put the wives, sons and so on to succeed the members of parliament or councils.

Huge sums of money are being spent on elections, food and drinks are given to voters, knowing that much more can be earned when elected. The top leaders know this and they allow various corrupt ways of earning, such as liquor bar permits and selling of drugs etc. They also earn in the process of intervening in public works such as cutting and building of roads, reservoirs and so on.

How do we build a people's democracy in such a situation?

The best and the only way is to get the planning processes into the hands of ordinary people. For instance there are number of programmes that the government has declared where planning by the people's communities is possible. Among them are the Samurdhi Programme (official poverty alleviation programme), There is Gama Neguma, Gemidiriya (funded by the WB), Api Wawamu Rata Nagamu where building of 4 million home gardens was declared, Divineguma where one million home gardens were the declared promise. In all these it is said that the rural communities have to sit and make their plans. Finances are allocated for each of these which is quite sufficient for the intended objectives.

In adopting a process of ecological agriculture the rural families leanto plan their home gardens growing a variety of plants and doing other needful work. By putting these home garden plans together it is quite easy to make a community plan by the community, What need to be done and when becomes clear. Then it becomes possible to integrate them in to a plan for the Pradeshya Sabha areas and the Provincial council. The benefits of such plans can be easily shown.

Making politicians answerable

The next thing necessary is to present these plans to candidates when they contest elections and get promises. It is however essential to set up structures to make the elected members answerable. This is the only effective way in which people can utilize the existing structures of democracy to get their plans done. Thus creating a situation where "government for the people, of the people and by the people can be made functional.

We present these ideas for discussion by the political parties, people's organisations, NGOs and others in formulating their answer to the question "Who Should Own and Control Land". This we feel is a great lesson that we should learn from the War and rebellions where hundreds of thousands of lives have been sacrificed.

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October 2,, 2013