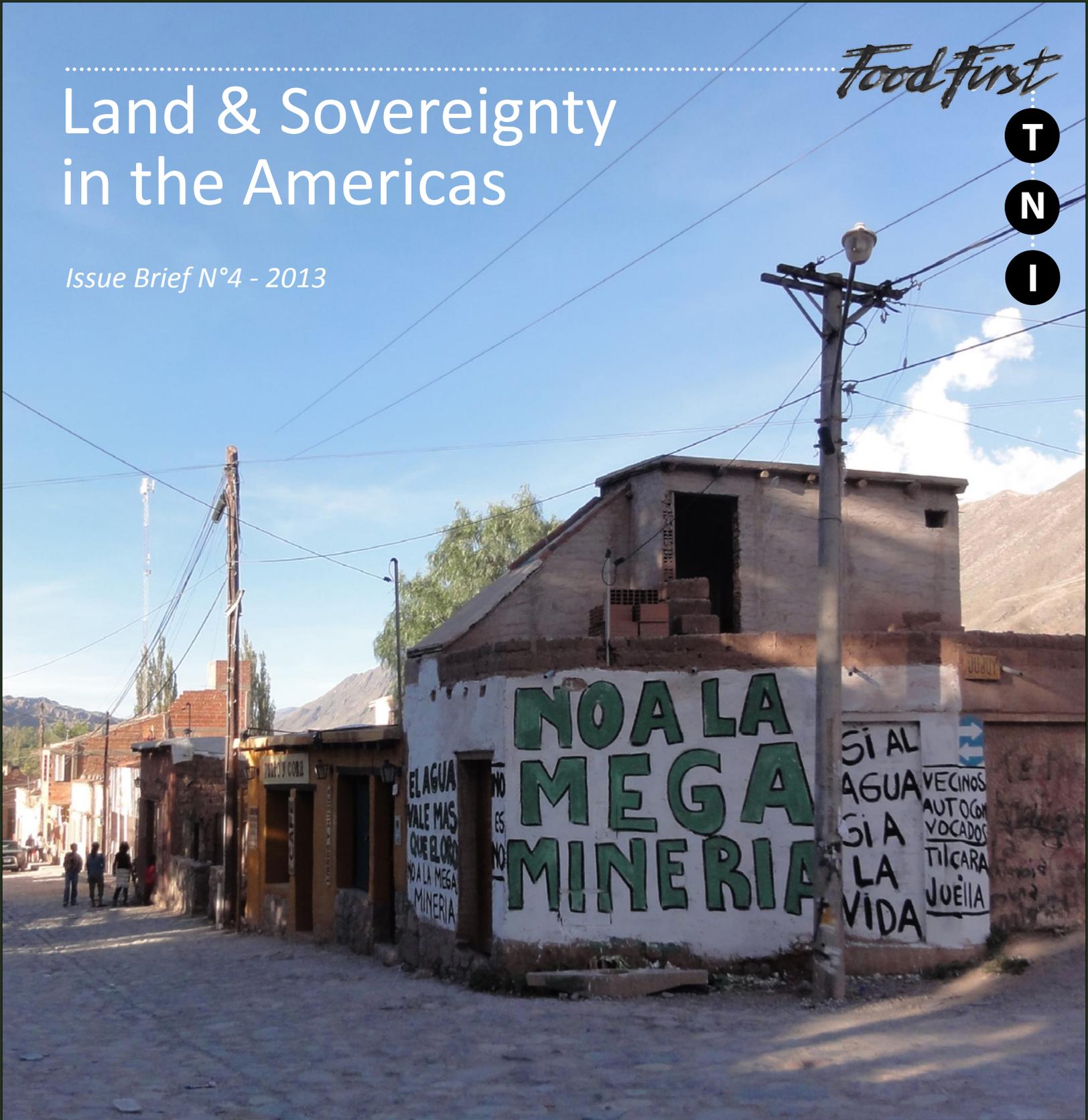


# Land & Sovereignty in the Americas

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## Land Conflicts in Argentina: From resistance to systemic transformation

*By Zoe Brent*

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The *Land & Sovereignty in the Americas* series pulls together research and analysis from activists and scholars working to understand and halt the alarming trend in “land grabbing”—from rural Brazil and Central America to US cities like Oakland and Detroit— and to support rural and urban communities in their efforts to protect their lands as the basis for self-determination, food justice and food sovereignty. The series is a project of the Land & Sovereignty in the Americas (LSA) activist-researcher collective, coordinated by Food First. For media inquiries about this series, or to arrange an interview with an author, please contact [land@foodfirst.org](mailto:land@foodfirst.org) or call (510) 654-4400, ext. 234.

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## Introduction

In Latin America, a region rich in farmland and minerals, the exploitation of natural resources for export has intensified, especially following the 2008 surge in commodity prices and the emergence of China as a large buyer of cash crops. Following Argentina's economic crisis in 2001, the country leaned heavily on mining and large-scale agribusiness (especially soy) to reinvigorate its ailing economy.<sup>1</sup> The expansion of these industries requires the accumulation of new lands and the displacement of current occupants by way of violence, economic pressure or expropriation. Many peasant farmers and indigenous communities don't have titles to their lands, leaving them vulnerable to displacement or criminal charges for squatting. Peasant resistance to this new scramble for land has focused primarily on gaining secure land tenure and legal recognition of territorial rights by strategically engaging with the legal system. However, these movements also recognize that land titles don't go far enough to address the systemic issues driving the dispossession of peasants and indigenous peoples. Consequently, groups like Argentina's National Peasant and Indigenous Movement (*Movimiento Nacional Campesino Indígena*, MNCI) are developing new forms of political education that aim to both increase the effectiveness of legal strategies and promote the kind of collective analysis and action needed for more far-reaching structural change.

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## Background: The soy and mining explosion

Since the legalization of genetically modified soy in Argentina in 1996, the crop has exploded to cover over half (59 percent) of the country's cultivated land.<sup>2</sup> Ninety-nine percent of this soy is transgenic and 95 percent is for export.<sup>3</sup> Similarly, mining exports increased by 434 percent between 2001 and 2011.<sup>4</sup> Andean provinces—those located along the western edge of the country—are particularly affected by the expansion of mining. Jujuy, for instance, experienced a 1,948 percent increase in mining investments since 2003.<sup>5</sup> While the soy and mining sectors are often credited for fueling the country's economic rebound after the 2001 crisis,<sup>6</sup> the expansion of these sectors has displaced rural communities and led to numerous conflicts over territorial rights.

Between 1995 and 2004, most of the new lands planted to soy were in the northwest provinces.<sup>7</sup> The northwest also saw the highest numbers of land conflicts during that

## QUICK FACTS

### WHAT?

Peasant and indigenous resistance to the expansion of industrial soy cultivation and mining.

### WHERE?

Argentina's central and northwestern provinces

### WHO?

The National Peasant and Indigenous Movement (*Movimiento Nacional Campesino Indígena*, MNCI) representing peasants and indigenous communities across the country

### CONTACT

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time—approximately 28.2 percent of all cases according to a recent study by the Ministry of Agriculture.<sup>8</sup> Nationally, nearly a quarter of Argentina's farming families are engaged in some kind of dispute over their land, 64 percent of which began within the last 20 years.<sup>9</sup> According to the study, there are 857 distinct conflicts over land, affecting 63,843 family farms, covering 9.3 million hectares (nearly 23 million acres). These high levels of conflict indicate that lands recently incorporated into soy production, while often untitled, are not unclaimed or empty by any means—most are inhabited by small-scale peasant farmers or indigenous communities.

### **Social and Environmental Impacts**

The social costs of this boom have been devastating. In order to free up new lands for development, private security forces hired by new land claimants often use violence to evict peasant farmers.<sup>10</sup> In the past three years 11 farmers and indigenous people have died,<sup>11</sup> all of whom opposed the incursion of large-scale developments on their lands. Some were murdered in cold blood, while others died in mysterious traffic accidents that their families claim were also premeditated.<sup>12</sup> While not all conflicts reach such tragic levels, the expansion of soy and mining is preventing peasants and indigenous communities from benefitting from their lands.

Indeed, the benefits reaped from these expanding industrial sectors are highly concentrated in the hands of a few large companies. Six corporations (Cargill, Bunge, Dreyfus, AGD, Vicentín and Molinos Río de la Plata), for instance, control 90 percent of soy production and its derivatives, making record profits.<sup>13</sup> Meanwhile, the social and environmental costs of production are transferred to neighboring communities. Increasing numbers of doctors and researchers have spoken out about the impacts of glyphosate—the active ingredient in Monsanto's "Round Up Ready" herbicide—on people exposed to contaminated water, empty pesticide containers and excessive spraying close to residential areas.<sup>14</sup> In the neighborhood of Ituzaingó in Córdoba province, the activist group of concerned mothers *Las Madres de Ituzaingó* claims 500 of the 2,000 residents have reported some form of cancer.<sup>15</sup> Additionally, mining companies in highland areas use up scarce water resources upon which agricultural and pastoral communities depend, in some cases forcing them to

abandon their lands and migrate to urban areas.<sup>16</sup>

### **Land Occupation as a Resistance Strategy**

Land occupation is a common resistance strategy used by rural social movements throughout Latin America seeking to protest corporate control of land or to gain control over land for peasant production. In the Argentine context, however, land occupation does not always involve a land take-over that challenges dominant norms of private property. The Argentine civil code establishes that legal possession may be granted to those without land titles after 20 years of uninterrupted occupation with the "intention of ownership."<sup>17</sup> In many areas with incomplete or confusing land registries, direct occupation is the most secure way of controlling land, and in fact many rural communities have been occupying their lands for generations. However, the title obtained through this process is a private land title that provides little protection from the economic pressures that can force peasants to sell their land. Nor does it challenge the development model based on soy and mining expansion that concentrates wealth in the hands of a few corporate interests.

### **Beyond Individual Titles: Challenging the model of production**

Some resistance strategies like land occupation are simply legal claims that—when successful—establish control over land, but do not alter dominant private property regimes. Recognizing that private land titles do little to stem economic concentration, groups like National Peasant and Indigenous Movement (*Movimiento Nacional Campesino Indígena*, MNCI) are promoting *collective territorial rights* that, unlike individual land titles, can't be bought and sold and better reflect the peasant and indigenous communal land use practices. However, the Argentine judicial system is prone to a lack of political accountability, making this kind of meaningful change difficult. Thus, social movements have begun appealing to *international* human rights frameworks, invoking ethnicity or identity, in order to gain greater legitimacy for their struggles for collective rights. These two strategies—demanding communal land titles and appealing to international human rights instruments for collective territorial rights—go beyond the typical

strategy of occupation in that they seek broader systemic transformation.

### The Pursuit of Collective Land Titles

In order to protect rural communities from displacement, many indigenous and peasant groups are participating in state programs and engaging with the legal system in order to obtain communal titles that shield land from market pressures and challenge western notions of land as a private commodity. This strategy of transformation through participation<sup>18</sup> coincides with new inclusive governance policies that allow for this sort of participation. However, when participation by indigenous and peasant groups results in the promotion of an agenda that challenges dominant models of land control, state institutions do not always follow through with implementation.

In 2006, legislation passed by the National Institute of Indigenous Affairs (INAI) and the national Secretary of Social Development (law N° 26.160), sought to halt all evictions of untitled indigenous communities until every province carried out the National Survey of Indigenous Territories Program (RETECI). Indigenous Participation Councils (CPIs) were then created as a space for indigenous participation in land-titling processes. However, some criticize the councils for their lack of real decision-making power.<sup>19</sup> In Jujuy, for example, by 2011 only 15 percent of the communal titles promised in a 1996 land-titling program had been granted by the provincial government.<sup>20</sup>

Communal land use for animal grazing is also crucial to many peasant farmers' survival.<sup>21</sup> Until very recently, however, only communities legally recognized as indigenous by the state had been granted such rights. However, in September of 2013, a historic court case finally laid the groundwork for non-indigenous peasants to assert collective territorial rights. The community of El Chacho has been engaged in a struggle over land for nine years. In 2004 a businessman by the name of Martín Rodolfo Buttié claimed to have purchased 2,613 hectares (6,457 acres) of El Chacho's communal grazing lands and charged community members with trespassing.<sup>22</sup> Upon appeal, the Superior Court of Justice of the province of Cordoba found no proof that Buttié was the legitimate owner of the disputed territory and overturned the criminal charges against



*Cattle grazing. Santiago del Estero. Photo by Zoe Brent*

the eight families. Notably, the judge not only recognized the area in dispute as the *ancestral land* of the community, but also referred to their lands as “communal property.” This set a new legal precedent for non-indigenous peasant farmers to gain collective land rights, representing an important victory for MNCI and rural communities not officially recognized as indigenous.<sup>23</sup>

### Linking Local Struggles to International Human Rights Instruments

Article 75, clause 17, of Argentina's constitution—introduced in 1994 based on the International Labor Organization's (ILO) Convention 169—recognizes the ethnic and cultural preexistence of indigenous peoples in Argentina and their right to collective and non-transferable land possession. The 2007 United Nations Declaration on the Rights of Indigenous Peoples provides further legal legitimacy to land rights claims, even in places like Jujuy, where the provincial government has not advanced a strong indigenous rights agenda.<sup>24</sup> These international documents offer political legitimacy to indigenous communities engaged in local land disputes.

The recent approval of the FAO voluntary guidelines on land tenure and governance in 2012 is the result of a participatory negotiation process that involved representatives from the MNCI. While this document

*For MNCI, communal land titles are part of a larger political project of food sovereignty.*

is non-binding, it serves as another reference point for internationally sanctioned land governance practices that recognize collective land rights and other protections for peasant and indigenous communities. In order to use it to strengthen demands for land at the local level, the MNCI is creating a manual for its members, which uses popular language. They also plan to monitor the implementation of the guidelines.<sup>25</sup> In this way, local social movements are using international legal instruments in a politicized way to promote systemic changes with regards to land use and ownership.

### **Moving from Land Titling to Systemic Change: The need for political education**

Although the Ministry of Agriculture claims otherwise,<sup>26</sup> conflicts over land, violence and displacement show that the dominant system of commodity production in Argentina does not co-exist in harmony with family farming. In response, peasants and indigenous communities use a variety of resistance strategies that have produced mixed results. Resistance strategies that engage with the legal system are most successful when they are understood as legal tools that serve political, even transformational ends.<sup>27</sup> But titling efforts alone—whether individual or collective—do not change the system of commodity production that is fueling rural dispossession. For MNCI, communal land titles are part of a larger political project of *food sovereignty*, defined as “the right to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems.”<sup>28</sup>

To achieve this, MNCI seeks to mobilize support by developing a collective analysis of what is wrong with dominant production models, what needs to be done, and why. In 2013, after over ten years of developing different educational models throughout the country, MNCI’s Peasant University (*Universidad Campesina*) opened its doors. This university level technical degree program is recognized by and developed in collaboration with the National Universities of La Plata

and Quilmes,<sup>29</sup> and receives financial support from peasant organizations as well as from the Ministry of Social Development.<sup>30</sup> It plans to offer four courses of study: Agroecology and Rural Development; Human Rights and Territory; Music and Popular Culture; and Alternative Media and Communications Management.<sup>31</sup> The Human Rights and Territory track addresses legal rights and deals with land as part of a broader notion of *territory*—a concept that encompasses ethnicity, culture, natural resources and livelihoods.

The university draws on the experiences of a number of political education initiatives including: peasant agroecology schools in Santiago del Estero, Córdoba and Mendoza that provide secondary education to rural communities; annual meetings called the Schools of Historical Memory where shared histories of social mobilization and struggle are remembered and reaffirmed; two week exchanges bringing urban students to live with and learn about rural social movements that are part of MNCI; and annual Latin American youth encampments focused on political formation and alliance building bringing people from all over Latin America to Santiago del Estero. Through these education initiatives, land rights are politicized—in other words they are linked to other rights and a larger project of social change. Marcos Vargas, age 35, will begin his studies at the Universidad Campesina after living his whole life in the rural northern region of Córdoba. He explains,

I am going to study Human Rights. Where I was born, we were never made aware of rights in school, nor in church. We thought we didn’t have rights, but after a long time we realized that we do have rights and we discovered that not only do we have a right to land, we also have a right to education and health... My mom is going to be proud to see that we are contributing to change in society and in the world. Everyone will be able to go to our university no matter the color of their skin or the amount of money they have.<sup>32</sup>

If rural communities and peasant movements are to achieve more than precarious land titles within a violent system of land grabbing by soy and mining interests, then political education is needed in order to promote a more integrated vision of land and food sovereignty.



"Land is for everyone", MNCI. Photo by Zoe Brent

## Conclusion

As conflicts over land have increased in Argentina, resistance efforts by peasant farmers and indigenous communities have taken many forms. From land occupation to a politics

of participation and appealing to international human rights declarations, indigenous communities and peasants are using a combination of legal tools, international appeals and direct action to resist dispossession. The legal strategies have had mixed results, but are strongest when understood as political tools with the intention of actually changing the rules of the game. In order to directly challenge dominant systems of production in Argentina, the MNCI embeds these legal strategies in a broader political project of promoting food sovereignty through collective action. In this way, political education serves two functions: 1) it helps peasants and indigenous communities understand how to use the law as a political tool, and 2) it links land rights to other rights and a broader, transformative political project. Now inaugurating its first Peasant University, the MNCI is not only teaching students how to secure land titles, it is using education to create legally literate and politically engaged peasants and indigenous peoples who feel empowered to demand systemic change.

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