More than half of global land rights disputes unresolved - research

by Astrid Zweynert (/profile/?id=003D000002Fv4lbiAB)
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A Mapuche Indian activist shouts slogans as they clash with riot policemen during a rally outside the government palace in Santiago, Chile, August 27, 2015. REUTERS/Ivan Alvarado

Research has shown conflicts over land can increase a company's operating costs by as much as 29 times

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STOCKHOLM, Oct 3 (Thomson Reuters Foundation) - More than half of land rights conflicts in the developing world have not been resolved, pitting companies, governments and businesses against indigenous communities, researchers said on Tuesday.

The most common cause of these often violent and sometimes deadly disputes is the displacement of indigenous and local people from land they have lived on for generation but for which they do not hold legal title.

The research by TMP Systems and the Rights and Resources Initiative found that 61 percent of 288 land conflicts since 2001 have not been resolved, but in Southeast Asia that number rose to 88 percent.

More than 65 percent of such conflicts in Southeast Asia delayed business operations and 71 percent resulted in lawsuits, while almost three quarters have lasted more than six years, the researchers found.

"Many investors in land in Southeast Asia have become embroiled in intractable disputes because they did not recognise the legitimacy and importance of customary tenure rights," said research lead author Ben Bowie, a partner at TMP Systems, a consultancy based in Britain.

Research has shown conflicts over land can increase a company's operating costs by as much 29 times and can even result in businesses abandoning operations.

The study examined 51 conflicts that started after 2001 as companies sought to develop indigenous and communal land for agriculture, logging, tourism and energy projects in Indonesia, the Philippines, Malaysia, Laos, Thailand, Cambodia, Vietnam and Myanmar.

Over three quarters of such conflicts in Southeast Asia started before development operations began, which typically reveals a lack of faith by the affected people that
companies and governments will respect their rights, the study said. This compares to 56 percent in Africa.

Andy White, co-ordinator of the Rights and Resources Initiative, a global network working to advance land rights, said companies have an important role to play in avoiding conflict over land.

"Private and investors that recognise the risk of insecure land rights and work with indigenous people and communities can set an example for other businesses," he told reporters.

White said the International Land and Forest Tenure Facility, launched at a conference in Stockholm on Tuesday, will help local people to take advantage of existing laws and policies to establish their rights over land.

The Tenure Facility (http://thetenurefacility.org/), funded by the governments of Sweden and Norway and the Ford Foundation, is the first initiative to put indigenous people and local communities at the helm of such efforts, White said.

Clear legal ownership and demarcation of indigenous land will in turn help companies to respect land rights, he added.
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Ramkanya Sen, 60, was branded a “witch”, beaten and locked up in a tiny room for nearly three weel in Bhilwara in Rajasthan, India. Sept 5, 2017. Thomson Reuters Foundation
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Scores of women in Rajasthan have been attacked after being branded witches, many of whom had land or property coveted by a relative or higher-caste person
BHILWARA, India, Oct 3 (Thomson Reuters Foundation) - Gulabi Kumawat was an elderly widow living in a modest home in India's Rajasthan state, until the day she was branded a witch by fellow villagers and her life went catastrophically wrong.

Beaten. Buried. She was set alight and left for dead.

 Somehow Kumawat escaped the pit and lived to tell the tale, first fleeing her Borda village for the safety of a relative's home and then onto Bhilwara city, where she now lives.

Fourteen years later and she remains landless.

Her plot - little more than an acre (4,046 sq mt) - and her home of almost 50 years are both gone.

"They tried to grab my land and sell it without my consent. When I confronted them, they called me a "dayan" (witch), blamed me for many bad things in the village and nearly killed me," said Kumawat, 95, her voice rising barely above a whisper.

"They have known me all their life. How did I suddenly become a dayan?" she said, her gaunt face etched with sadness.

**BLAME THE WOMEN**

Kumawat's story is not unusual in Rajasthan, a state better known for stately forts and grand palaces than witch hunting.

Scores of women have been brutally attacked after being branded a witch over the last few decades; several have died.

The Mewar region, a former princely state that includes Bhilwara and the popular lake cit
of Udaipur, is particularly notorious, accounting for most cases in Rajasthan.

Activists say women have been beaten, knifed, sexually assaulted, stripped naked and paraded, thrown into wells, buried alive, set alight or disfigured with acid. Others are killed.

In most cases, the victims were poor, lower-caste, single women who either had no sons or lived alone. Most had land or property coveted by a relative or higher-caste person.

Photographs of dozens of women branded as “witches” and assaulted over property matters and other disputes in Bhilwara in Rajasthan, India. Sept 5, 2017. Thomson Reuters Foundation\Rina Chandran
failed businesses to infertility, illness or a sudden death, is widely prevalent across several Indian states, and dates back centuries.

In such cases, villagers consult with a shaman or godman, who often blames a witch for some misfortune. Family members are also complicit, and often use this as a way to settle scores, often over land, or to throw a female relative out of the house.

"The feudal system, a rigid caste hierarchy and patriarchy encourage the practice, with illiteracy and superstition also to blame," said activist Tara Ahluwalia, who has recorded 8 cases of witch hunting in Bhilwara since 1982.

"We file reports, but no action is taken," said Ahluwalia, who keeps meticulous records of each case in a folder with photographs, hospital statements and related police reports.

**LIVING CORPSE**

The practice of witch hunting is not unique to India. Instances have been recorded elsewhere in Asia and in Africa.

Thousands of elderly Tanzanian women have been strangled, knifed to death and burned alive over the last two decades after being denounced as witches, usually for their land.

In India, nearly 2,500 murders related to witchcraft have been recorded since 2000, according to official data.

Victims are often expelled from their homes and villages. Those who stay are isolated and live in constant fear.
Activist Tara Ahluwalia has documented at least 88 cases of witch hunting, many of them over land disputes, over the last 25 years in Bhilwara in Rajasthan, India. Sept 5, 2017. Thomson Reuters Foundation\Rina Chandran

Despite a 2015 state law banning the practice, there have been no convictions in Rajasthan, such is the reluctance of local officials and police to check the custom, activist say.

"We fought for a law for 25 years, but the law is not being implemented. What is the poir of the law if it cannot protect these women?" Ahluwalia told the Thomson Reuters Foundation.

"The case is forgotten, and only the victim continues to suffer. Once you are branded a
witch, the stigma is for life, and it slowly kills her; she is like a living corpse," she said.

**REHABILITATION**

At least half a dozen Indian states have introduced special laws against witchcraft and witch hunting in recent years.

But many cases are not reported for fear of reprisal.

Cases that are filed are often dismissed, or are not registered as related to witchcraft, activists say.

They are often difficult to investigate and prosecute as they are sometimes in remote areas and people are not willing to give evidence, a senior police official in Bhilwara said.

"Any case that is brought to our notice is fully investigated," said police superintendent Pradeep Sharma.

"Several arrests have been made related to witch hunting; they may get bail, but we follow the procedure. Many of the cases are also false," he said.

The Rajasthan Prevention of Witch Hunting Act went further than similar state laws, with a prison sentence of up to seven years, a collective fine and rehabilitation and resettlement for victims. If a woman is killed, it can lead to life imprisonment.

Last month, cases were filed against seven godmen in Bhilwara for abetting the practice of witch hunting.

About a dozen women in Bhilwara have received compensation of at least 50,000 rupees ($770) under the law.

Recognising trauma and funding rehabilitation are crucial, said Madhu Menka, an advocate
Partners for Law in Development.

"We cannot depend on our legal system to bring many convictions or a big drop in cases," she said.

"More than special laws with lax implementation, what is needed is a robust system of compensation and victim care."

The Rajasthan government is now training officials and police - but it is too little and far too late for Kumawat.

"My only wish is to die in my home," she said.

"But I no longer have a home, and I am too scared to go back to my village."
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