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# FORUM NEWS



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## Dear Readers

This edition of Forum News is dedicated to the issue of land grabbing and its impact on women’s rights. In the past year APWLD members have been increasingly engaged in struggles against land grabbing and forced evictions. This has been on the agenda for many of our members for some time but recently, in the space of a few weeks, we witnessed three attacks on members and partners advocating for women’s rights to own and control land – in Nepal, Cambodia and Papua New Guinea. And one of our members in the Philippines was recently part of an international fact-finding report on land grabs affecting indigenous women.

Evictions, destruction of lands and livelihoods, violence, and criminalisation of those who oppose it are inevitable consequences of a global economic system that worships profit and economic growth above all. This issue provides clear examples of what happens to women and their families when corporations and governments decide their lives are dispensible. The issue also reveals the resistance

being mounted by poor people, particularly women. In many cases, women are both the victims of the landgrabs and the leaders of movements to resist them. This often results in attacks upon, and criminalisation and imprisonment of women leaders. We also look at the implications of the changing political landscape in Burma/ Myanmar and the risk that the rush of investment funds and aid will open the door for land grabs and evictions in the name of ‘development’. Burma/ Myanmar can learn a lot from both the failures and achievements of its neighbours, says Seng Bu, a woman of the Kachin peoples.



The issue also looks at what we can do to advance the movement for land reforms and rights. Internationally there is increasing recognition that it is access to and control of land and resources that is most likely to lead to a reduction in poverty and an increase in dignity. APWLD will be campaigning for international development goals that measure access and control over land and resources- not GDP and dollars per day. We will argue that these measurements should include sex-disaggregated data, but they should not be limited to a simple calculation of women compared to men. There must be recognition that the world’s resources belong to the world’s people, not corporations, nor wealthy government representatives.

We’ve also included in this edition an article by feminist human rights scholar, Purna Sen, which analyses the use of ‘morality’ language in international human rights standards. Her paper reveals that while human rights standards are intended to establish a global moral code, the inclusion of morality is most likely to be employed against women’s autonomy. We’re exploring this as it looks like morality could feature in the ASEAN Human Rights Declaration currently being drafted.

Further analysis of these issues and updates can be found on our website.

I hope you will be enraged, inspired and activated by the stories here.

**Kate Lappin**  
Regional Coordinator



## APWLD MEMBERS IN THE NEWS

**Nguyen Na**, from APWLD partner Centre for Sustainable Rural Development in Vietnam received second prize in the “Decent Jobs and Health” category of the “Women’s Rio+20 Good Practice Awards”, and was invited to Rio to accept her award. Nguyen Na has been part of the BOOM programme, participating in APWLD’s preparatory workshops for Rio+20 among other activities. She received the award for her outstanding work with the Traditional Community Health Care for Ethnic Minorities in the Northern Region of Vietnam Project. The project facilitates ethnic women farmers to increase their income through the sustainable exploitation of these indigenous MPs.

An APWLD member in Malaysia, **Women’s Aid Organisation (WAO)**, supported by **Suara Rakyat Malaysia (SUARAM)** have been actively engaging United Nations Special Procedures Mandate Holders to build support for WHRD, Ambiga Sreenevasan. Sreenevasan has received death threats and is being harassed by the government and other politicians due to her organisation, Bersih’s, advocacy work that demands reform of the electoral process ahead of the country’s general election next April. The WAO petitions at the HRC session in June 2012 led to a joint call on the government of Malaysia to protect the WHRDs. The call was made by Margaret Sekaggya, UN Special Rapporteur on human rights defenders, Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of opinion, and Frank William La Rue, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. WAO and SUARAM are two of the 84 non-government organisations that comprise BERSIH.



APWLD founding member and one of our Rio+20 delegates, Azra Talat Sayeed, was featured on Brazilian TV during the UN Conference on Sustainable Development in Brazil in June. Speaking to Globo TV, she said, “that lack



of equity is one of the major issues facing Pakistan — and that other challenges like climate change, poverty and joblessness could be more easily resolved in a society not distinguished by such marked class divisions.”

Azra was part of a 34-strong delegation in Rio de Janeiro for Rights for Sustainability, an advocacy platform pushing for a rights-based approach to sustainable development.



Photo Credit: World People’s Blog

**Irene Fernandez’s** stand against migrant rights violations in Malaysia has caught the interest of the New York Times. In an article entitled “Malaysian Activist Speaks Out for Migrant Workers”, Irene shared, “It’s so dehumanizing. To me, it’s just slavery days coming back — and that’s just frightening.” Irene is a leading figure in civil society and is known for her outspoken stance on migrant rights.

The article captures her views on migrant rights violations and her history of activism in Malaysia. Irene is director of APWLD member organisation, Tenaganita, “women’s force” in Malay. It is a nongovernmental group she established more than two decades ago to help foreign workers.

## News from the Region

### June 2012 Pakistan: Assassination plot against women human rights defender threatens the country's human rights commitments



Photo Credit: UN News

Asma Jahangir, former United Nations Special Rapporteur on freedom of religion or belief and the President of the Supreme Court Bar Association of Pakistan, revealed there is a credible plot against her life for her work in the human rights movement. Jahangir has been a vocal and outspoken leader of the human rights movement in Pakistan for over 30 years, advocating for women's human rights. These threats are reported to be in retaliation for her efforts to highlight human rights violations by security forces in Balochistan province, which is facing civil unrest.

The Human Rights Commission of Pakistan (HRCP) said a "highly credible source" had provided information about a serious threat to Jahangir and believes that "this is not a conspiracy against one individual alone, as it is obviously a plot against Pakistan's future as a democratic state". APWLD sent letters to UN Special Procedures Mandate Holders requesting a joint statement from the UN representatives.

### June 2012 Thailand: Burmese workers win new minimum wage victory

Three hundred and twenty three workers, including a number of female employees at an apparel factory in Mae Sot, Thailand have successfully fought violations of wages and working conditions. Working with APWLD member MAP Foundation along with the Yang Chi Oo Worker Association, they contacted their employer and the Mae Sot Labour Protection Office about their wages at the rate of the new minimum wage for Mae Sot. The office stipulated last month that the employer must pay the new wage.



Photo Credit: Stephen Campbell

This is a particularly important victory for migrant workers, who are often denied their wage rights and paid much lower than the operative minimum wage rate set by the Thai government. Minimum wage in the region is 162 baht/US \$5.10 per day but workers were earning only 60- 100 baht/US \$1.96- 3.15, including overtime.

Employees had originally gone on strike after the employer stopped paying the workers' wages for over a month. They were also able to get improved living and working conditions, including repairs and clean water and electricity. However, despite the positive outcome 60 workers at the factory were not part of the negotiations and will continue to earn below the new wage. It is reported that there are another 100,000 workers in the town who do not receive wages as per the stipulated legal minimum wage.

To learn more about the Map Foundation visit <http://www.mapfoundationcm.org/>



## June 2012 Pakistan: Blasphemy accusation filed against staff members, including two female staff of Insan Dost Association

Insan Dost Association (IDA), a human rights organisation based in Punjab Province which works for the promotion and protection of the rights of bonded laborers and their families, advocates for increased kiln workers' wages, and the elimination of advanced debt bondage. IDA activists have been calling for owners to implement the Punjab Wage Board, a fixed minimum pay for kiln workers.

On June 8, a kiln owner charged Shazia Parveen, and Najma Khalil, along with their colleagues Anjum Raza Mattu and Imran Anjum, with blasphemy. The complaint was submitted to the Commissioner of Sahiwal Division in Punjab Province. IDA staff members could be sentenced to life imprisonment or death if they are found guilty.

It is reported that IDA is also being accused of involvement in anti-government activities and there have been calls for the organisation's registration certificate to be revoked. The kiln owner and his associates have physically abused human rights defenders associated with IDA in the recent past, and had false charges made against them. Staff cooperated in an investigation into the charges last month by police and is awaiting updates.



## July 2012 Malaysia: Electoral reform activist targeted for being a woman human rights defender and minority Hindu

Ambiga Sreenevasan, a Malaysian Indian Hindu leader of BERSIH, a civil society movement calling for free and fair elections, is currently the target of severe and sustained harassment and intimidation because of her legitimate human rights activities.

APWLD released a statement to Malaysian government officials, UN mandate holders and Malaysian Human Rights Commission representatives about our concern regarding gender-specific violations and threats towards Sreenevasan by both State and non-state actors. Sreenevasan has been facing threats since 2011, and the harassment by a local politician and other group leaders is now intensifying. She is being subjected to threats at her private home and calls for her death and deprivation of her citizenship.

Despite these Sreenevasan and Abdul Samad Said carrying out their duties as publicly vocal leaders of the BERSIH movement, only Sreenevasan has been the target of escalating harassment and attacks which focus on her gender and her ethnicity and religion.

## July 2012 Papua New Guinea: More women break through into parliament

Two new female parliamentarians joined the PNG government in last month's election. Delilah Gore of the Triumph Heritage Empowerment Party and Loujaya Toni from the Indigenous People's Party are only the fifth and sixth women to hold a seat in Parliament.

Dame Carol Kidu, the outgoing opposition leader and its only female parliamentarian for 15 years is backing the newly elected women. Dame Kidu said, "I think they will face a hard time," but she added in her interview with Radio Australia's Pacific Beat, "These women are well-educated - I think they'll soon find their feet, especially if we give them a little bit of back-up."

Ms. Toni has said she will focus on rural development during her term and has pledged to fulfil the UN agenda of poverty alleviation by 2015.



# The New Global Land Rush

APWLD explores the new land grabbing trend



Photo Credit: Galen Scolee

The energy, food, fuel and environmental crisis of the past decade have triggered a rush to grab land in the food producing countries of the Global South and a re-emergence of land as a focus of speculative investments. This land grabbing phenomenon has attracted much attention in relation to Africa where the largest areas of land have been appropriated. However, the Asia Pacific region faces its own substantial share of land grabs, by both domestic and foreign capital, in the name of development and often linked to the global agro-feed-fuel demands. Vulnerable communities, pitched against these powerful political and development actors, are the first to be adversely affected by the land grabs. Within communities, women are affected differently than men as the impact of losing access to and control over land resources deepens the already unequal balance of gender power relations in the region.

## Understanding Land Grabs

Land grabbing is influenced by different but interrelated factors; by food dependant countries' need to secure future food supplies as the world population grows and natural resources become scarcer; by the somewhat mistaken assertion that agro-fuels are environmentally viable options in the face of diminishing crude oil reserves; and due to speculative buying in financial markets where land has re-emerged as a valuable investment. These much debated land grabs usually refer to large areas of land invested in by large transnational corporations working individually or directed by governments in their home countries and with the support of multilateral agencies like development banks, bilateral cooperation and international institutions. In developing countries, land grabs are often undertaken with the support of

governments intent on attracting foreign investment. However, land grabbing also includes smaller-scale sale or lease of land by local elite groups and companies and transnational or government actors. Figures indicating the extent of land grabs, shared by non-governmental organisation GRAIN, vary. The World Bank states that 56 million hectares (ha) were leased or sold by 2009 (2011), while the International Land Coalition quotes a figure of 80 million ha since 2001 (2011), and more recently Land Matrix released a figure of 227 million ha. (2012). These figures reflect land deals made for areas larger than 10,000 hectares. Since many of these deals take place out of the public eye and some are currently underway, it has been difficult to estimate an approximate figure for the Asia Pacific region. While many rights groups and even governments attempt to stop some land deals, many others will proceed and have the backing of governments on both sides. Ensuring that local communities retain their economic, social, and cultural rights is a key concern for influencing such deals.

*In this trend of single-minded land grabbing, women's rights are invisible to the players influencing land grabs, and they are the first to fall through the cracks of negotiations that deprive communities of access and control over land resources.*

## The geography of these land grabs



- Landgrabbers: countries of origin of investors acquiring farmland overseas for food production
- Landgrabbed: countries targeted by these investors
- Both: countries that are both sources and targets of these investors
- Countries where over 10% of the population is undernourished

Source: GRAIN

**Land use.** Most land grab deals are made to secure food and biofuel sources. One premise for availability of land is the misconception that marginal lands, lands used by local populations for various uses, are 'idle lands that can be better utilised in other ways. In export oriented land grabs that supply food and fuel to other countries, both

agricultural lands and forests are under threat, thereby weakening food security of local populations and posing environmental risks. In the Asia Pacific region, land use for crops that produce biofuel comprise the majority of land grabs. Land used for biofuels and for food for the export market targets the cultivation of a single crop variety and the destruction of forests that are necessary for a healthy ecosystem and for other traditional uses such as medicine, firewood and have cultural identification for indigenous people. The cultivation of crops that provide biofuels is increasingly recognized as harmful to the ecosystem. For example, oil palm cultivation in Malaysia has been criticised for being a major contributor to deforestation and greenhouse gas emissions. Oil palm plantations harbor less biodiversity than natural forests and fail to provide the same support to essential ecosystems. Plantation style cultivation of one crop also involves intensive agricultural practices that involve the use of pesticides that pollute land and water sources, thereby adversely affecting subsistence cultivation and the health of local people.

**Mechanics of land deals.** As with most agreements of this nature, the terms of land deals are negotiated between government entities or powerful domestic actors at national or community level, and domestic or transnational corporations. Negotiations are often kept out of the public eye and local communities are rarely consulted in an inclusive manner that respects their rights and entitlements as citizens. Most often, local communities who live on and off the land are consulted briefly, and even then not informed fully of the implications of land deals, or not consulted at all. For rural or urban populations to whom the land is home, source of food security, cultural identity, and social cohesion, their exclusion can deepen poverty and weaken resilience to shocks. Either way, the marginalisation of local communities leaves them facing eviction, loss of access to full use of land, or limited to accessing land on the terms set by new owners or tenure holder. These terms often violate their rights to equitable development.

**Crop use policy.** Land grabbing is also provoked by policies in agricultural subsidy, production and trade, both domestic and international. For example the decision to invest in one crop, oil palm production, is influenced by global demand and supply encouraged by developed countries in the Global North. In Indonesia, as a result of such policy *“70% of Indonesia’s oil palm plantations (4.2 million ha) are on land previously part of the forest estate; and 56 percent of expansion between 1990 and 2005 was at the expense of natural forests”* (Borras Jr. and Franco, 2011)

The current trend in land grabbing is marked by its disregard for the rights and entitlements of local populations who use land for subsistence, housing, as a source of livelihood, and for cultural and traditional

identity. In this trend of single-minded land grabbing, women’s rights are invisible to the players influencing land grabs, and they are the first to fall through the cracks of negotiations that deprive communities of access and control over land resources.

### Impact on women’s rights

Throughout modern history, the politics of controlling land resources have negatively impacted women’s lives and infringed on their rights to land. Various analyses of the gender impacts of colonisation and commercialisation have revealed them to have a detrimental impact on women’s roles, rights and opportunities. Among others some key impacts include women losing customary law access to, and ownership of, land resources under new legal systems and loss of valuable sources of water, food and medicine when land was converted for intensive agriculture practices. Rural women were particularly affected as they were left to struggle with decreased government support for agriculture or health services and dependant on remittances when men migrated in response to changes brought about by structural adjustment policies of the 1970s-80s. Yet, surprisingly neither this literature nor other analysis of the impact on women has been undertaken in the current rush for land (Julia Behrman, Meinzen-Dick & Quisumbing, 2012) and this poses a serious threat to the progress made on women’s rights in the region as governments and powerful corporations make deals that may well be repeating the same mistakes made in the past.

Women and men, be they in rural or urban settings, experience the consequences of land grabbing differently as they not have equal access to and ownership of land resources due to the difference in relational value placed on the rights and entitlements of women compared to that of men, or their sheer absence. While a majority of land grabs include large areas of land and are mostly limited to rural areas, the smaller land grabs experienced by urban slum dwellers and other low income settlements have a lasting impact on these vulnerable urban communities. As women’s rights are considered secondary in relation to men, women’s rights and entitlements have rarely been analysed or included at any stage of land use planning in the current global land deals. The vulnerability and impact of this ‘invisibility’ of women’s rights and their voices is multi-dimensional and can be understood in relation to the following factors that influence women’s vulnerability.

### **Recent Land Grabs in Asia Pacific**

- Papua New Guinea: 5.1 million hectares of customary land: 11% of the country and 16% of commercial forests. Granted through 72 Special Agricultural and Business Leases (SABLs) to landowner companies and foreign owned corporations on 99-year leases.
- Philippines: 1,750,000 hectares invested in by Middle Eastern Countries, China, Japan and Malaysia. The government has allocated 6 million hectares of “idle lands” for the production of sugarcane, coconut, cassava, jathropa, oil palm, and sweet sorghum
- Pakistan: 575,500 hectares of land invested in by China and Middle Eastern countries for food crops
- Laos: 330,000 hectares invested in by Mongolia, Middle Eastern Countries and Thailand, for sugar cane, rice, cassava and palm oil production

Sources: GRAIN and Greenpeace

### **Systemic discrimination in access to, ownership of, and control of land, including the level of legal protection of their land rights.**

Across the Asia Pacific women either own and access land through male family members or husbands, or if they are fortunate have direct access to land. One particular danger of land grabs is the subsequent patriarchal assumptions in negotiations that recognise men as heads of households. In such cases, women who may have held land rights or had negotiated land use and ownership arrangements prior to the new land deal lose out in the new system. In addition, they lose status when they are no longer included as sole owners/users or joint owners/users. This loss of recognition and status leaves women vulnerable when negotiating household power relations and leaves them powerless to work towards full access, ownership and control of land. For women, particularly in rural communities, this loss of access and ownership of land creates practical challenges in fulfilling their role in social reproduction (household subsistence and care giving) as marginal lands may no longer be available for subsistence cropping, medicinal plants, or as sources of water, firewood and other forms of traditional practices.

### **Systemic discrimination in socio-cultural and political relations, most particularly in relation to their role in decision-making, and their ability to exercise freely both “voice” and “choice” in decisions that affect their lives and livelihoods**

Women, secondary in status to men, also struggle to find space, knowledge and support to demand and sustain inclusion in decision-making that affects their lives. Current land grabbing practices rarely allow such spaces for land user communities in general, never mind for women. Thus, women find themselves struggling to find solutions to cope with loss of food security and basic services for households (water, firewood, etc), increased burden of care related to loss of traditional medicinal sources, and the challenge of adapting to a changing climate. With ecosystems destroyed by single cropping systems that mark large land grabs, particularly in Asia, rural women find their workload rising and coping

strategies weakened. The breakup of communities as rural families lose access to or full use of land further weakens women’s networks of support and impacts negatively on social cohesion necessary to avoid conflicts.

For women in vulnerable urban communities, this disruption of their social support system creates considerable challenges as women cope alone with displacement and loss of homes while they continue to maintain households through care giving and economic support roles. Women’s social reproduction work that contributes invisibly but significantly to national Gross Domestic Product outputs is never factored in to the negotiations and resettlement schemes in a way that support women’s reproductive roles, including improved water, sanitation, and education.

### **APWLD Advocacy on Land Grabbing**

APWLD works on women’s land rights, in the context of the global land rush, through a number of initiatives; Ground the Global, Breaking out of Marginalisation and our cross cutting emphasis on Development Effectiveness. In recent months we have stepped up our role in advocating on the issues through the use of UN Mechanism and by direct appeals to regional governments.

- Shared the issue with the UN Commission on the Status of Women in March
- Shared the issue with the ASEAN through our Women’s Caucus solidarity visit last fall and drafted a letter to ASEAN representative
- Issued a press release for harassment of Papua New Guinean WHRD. Link: <http://goo.gl/41z3l>
- Women Human Rights Defenders International Coalition (APWLD is co-secretariat) issued statement to Cambodian government
- WHRD IC issued statement to Nepalese government for harassment of women human rights defender and land evictions. Link: <http://goo.gl/MEOUz>



- Supported petition for Cambodian WHRDs through partner LICADHO to free 13 women activists. Link: <http://goo.gl/rYluf>
- Issued a joint request to local embassies and UN Special Rapporteur for observers to appeal Cambodian case for 13 women activists
- Hosted UN Side Event: “Rethinking Development Frameworks”

### **State of their relative income poverty in relation to men**

Women’s income poverty is related to the factors explained above, their access and control over land and their participation in decision-making processes. Nevertheless this is a concern when women and men re-define their roles in new land deals. In general, women are poorer than men despite their contributions to the economy. Across job sectors, women often receive lower wages than men for work of equal value. Across the job sectors, women often receive lower wages than men for work of equal value. In the context of land deals, it is necessary to ensure that women are fully aware of the changes that will take place and have a say in the roles they may play in land use or in resettlement and rehabilitation plans that provide economic or educational opportunities, all of which impact women’s ability to earn fair wages, hold power in land markets, or access opportunities for professional growth and development.

### **Vulnerability to gender-based and sexual violence against women**

In relation to land grabbing, women’s vulnerability to gender based violence takes different forms on both the larger socio-political scale and at community and individual levels. Loss of property or the rights to access property, for example through a husband, has led to widows and single women facing sexual exploitation and violence in some parts of the region. Similarly, loss of land and displacement of communities create conditions in which women have to resort to exploitative conditions in order to survive, or live in insecure environments that increase their vulnerability to exploitation and violence such as displaced camps and living on insecure land lots once houses have been demolished. Indirectly and on a larger scale, land grabbing and subsequent disputes over scarcer resources can and has led to conflicts that impact larger sections of a country’s populations. In conflicts, women are usually the most affected as targets for sexual violence and slavery in armies.

These factors mark women’s experiences of land grabs different from that of men. For land deals to ensure women’s rights, changes need to be made at various points in assessment, planning, contract design and operation of land deals that take place.

*“... Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless.”*

- International Covenant on Economic, Social and Cultural Rights (ICESR), on the Right to Adequate Housing

*“(g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*

- Article 14, The Convention on the Elimination of All Forms of Discrimination Against Women

Viewed from a women’s rights perspective, it is apparent that land deals are linked to different types of policies, such as land reform and titling, agricultural investments, and trade policy, as well as legislation to promote gender equality, to attract potential investors, and to regulate investments (Julia Behrman, Meinzen-Dick & Quisumbing, 2012). The challenge of sustainable development approached from a rights based approach is the acknowledgement of the complexity and interdependency of human well-being, social cohesion and land. To help such a process, a number of international legal instruments give a firm basis for upholding the citizens’ right to land and a decent quality of life.

Additionally the recently approved *Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* approved by the Food and Agriculture Organisation of the United Nations, can be used as a guide by national governments, private investors and civil society watch groups.

*“Ensure the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de factor equality when necessary.”*



*States should remove and prohibit all forms of discrimination related to tenure rights, including those resulting from change in marital status, lack of legal capacity, and lack of access to economic resources. In particular, States should ensure equal tenure rights for women and men, including the right to inherit and bequeath these rights. Such State actions should be consistent with their existing obligations under relevant national law and legislation and international law, and with due regard to voluntary commitments under applicable regional and international instruments.*

These instruments and the Voluntary Guidelines mark a way forward that helps ensure the rights of those who live on and off the land that has recently become so attractive to investors. More importantly they address key women's rights often missing in other such guides to development. Nevertheless, women's rights advocates and networks have played, and must continue to play, a leading role in the struggle to ensure women targeted by land grabs retain access and control over land they are entitled to access, own and use or are able to demand and receive sustainable and empowering alternatives in resettlement plans as partners in development.

Sources:

- *The gender implications of large-scale land deals*, Julia Behrman, Ruth Meinzen-Dick and Agnes Quisumbing, *Journal of Peasant Studies*
- *Gendered impacts of commercial pressures on land*, Elizabeth Daley, *Mokoro for International Land Coalition*
- *Pesticide Action Network Asia & the Pacific*, <http://panap.net/>
- *GRAIN portal on land grabs* <http://farmlandgrab.org/>



## Fall seven times, stand up eight: Cambodian women's fight against land grabs

By Naly Pilorge, Director of Cambodian League for the Promotion and Defense of Human Rights (LICADHO)



Over the past decade, Cambodia has experienced a pandemic of land disputes. The Cambodian League for the Promotion and Defence of Human Rights (LICADHO) estimates that at least 400,000 Cambodians have been dispossessed of their land or/and expelled from their homes between 2003 to 2009. In 2011 alone, 11,000 families were newly affected by land conflicts. The poor and most vulnerable bear the brunt of this phenomenon and women, in their capacity as homemakers, experience forced evictions particularly harshly. In spite of this, Cambodian women are increasingly taking on leadership roles in their communities' struggles against land rights violations. As such, these women have become the target of state violence, particularly in the form of police brutality and judicial intimidation.

As the rich and powerful grab land for their own benefit, poor communities are often left destitute, without means of earning a livelihood and with no effective access to legal or

other remedies. Under numerous international legal instruments to which Cambodia is signatory, States have an obligation to refrain from, and protect against forced evictions from home(s) and land. Notably, article 14 paragraph 2(h) of the Convention on the Elimination of All Forms of Discrimination against Women guarantees women's rights to adequate living conditions. Despite these commitments, the Government of Cambodia has proven unwilling to uphold these rights and continues to allow forced evictions and land grabbing. In Phnom Penh alone, 30,009 families have been displaced between 1990 and 2011. These urban evictions affect primarily women and children. Two recent cases of massive scale evictions in Phnom Penh exemplify the impact of land disputes on women's rights.

Borei Keila is a settlement situated in prime land near Phnom Penh's city center. Previously a police training facility, the community of roughly 1,776 families was established in 1992. In 2003, Prime Minister Hun Sen authorized a social land concession in Borei Keila after reaching a "land-sharing" arrangement with the residents. Under this arrangement, the giant construction company, Phan Imex, obtained ownership of 2.6 hectares for commercial development in return for which it agreed to construct ten apartment buildings on 2 hectares of land for the villagers. Borei Keila was supposed to be the test case for an alternative model of relocation of Cambodia's urban poor. However, in April 2010, Phan Imex unilaterally reneged on the agreement after having constructed only eight of the ten promised buildings. Consequently, about 300 Borei Keila families were arbitrarily excluded from the original agreement. On 3 January 2012, without prior notice, Phan Imex proceeded to destroy the homes of the excluded families. The residents were given no time to salvage their belongings. The process was violently overseen by over 100 mixed police forces who fired tear gas and live ammunition at the residents.

Similarly, in 2007, the Cambodian government allowed a 99 year lease of the Boeung Kak Lake area to Shukaku, a company owned by ruling Cambodian People's Party (CPP) senator Lao Meng Khin. Subsequently, almost 4,000 families living in the area were stripped of their land rights. Shukaku and the government successfully coerced over 3,000 families into leaving with little or no compensation. Despite an intimidation campaign against them, the remaining residents, led by a group of strong women, relentlessly lobbied national and international stakeholders. Their efforts were fruitful. In August 2011, the World Bank announced a freeze of all government funding until a solution was found for the Boeung Kak families. Nearly one week





sexual exploitation and trafficking of women.

Being the primary victims of forced evictions, Cambodian women have found themselves at the forefront of land disputes. As a result of their activism, women are increasingly the target of threats,

later, the Prime Minister granted 12.44 hectares of the area to the remaining 779 families. Since then, the municipality has arbitrarily excluded 96 families from the settlement scheme and has yet to demarcate the promised hectares. Meanwhile, the violence and the destruction continue.

These recent events demonstrate that the authorities not only disregard the property rights of Cambodian families, but are also willing to infringe on the rights of women in the name of “development”. “Women suffer twice [from forced evictions]. One time because of the eviction, second time the breaking up of the family,” explains Dr. Kek Galabru, LICADHO president. In addition to the suffering caused by the destruction of the family home, the effects of relocation are disproportionately felt by women whose role in Cambodian society is closely tied to the household and their care giving roles. Once the home is destroyed, the family inevitably suffers, and women struggle to fulfill their role of holding the family together.

Displacement almost always results in impoverishment if not outright homelessness. Relocation sites are far from Phnom Penh and completely unsuitable for dwelling. Evicted families find themselves with no electricity, no clean water, no markets, no health facilities, and no schools for their children. Often men decide to stay in the city in order to maintain their former employment. Women, as the primary caregivers, find themselves responsible for the communities’ children and elderly in deplorable living conditions. Additionally women, whose income generating opportunities are often centered on the house, see their right to earn a livelihood blatantly violated by displacement, which further exacerbates poverty. This breakdown of the family following forced evictions also induces physical and psychological harm to women. In crisis situations, studies have shown proportional increases in both the risk and incidence of violence against women, which may have a domino effect on other aspects of women’s lives, such as their ability to work or participate in the public sphere. Forced evictions are no exemption. Reports from LICADHO’s medical staff and social workers shows that displaced communities in Cambodia seem to face higher incidence of alcoholism and domestic violence. Moreover, the resulting poverty enhances the risk of

harassment and intimidation by the police and state agents. Police crackdowns of peaceful protests have become the norm and violations of women’s rights to freedom of expression and assembly have resulted in gendered consequences. For example, last June, a Boeung Kak resident had a miscarriage after being violently kicked in the stomach by a police officer during a protest outside the Appeal Court. Targeted arrest and illegal detention have also been used by the government as part of its intimidation strategy to silence women activists. A few days after the January 2012 eviction in Borei Keila, 24 women and six children were arrested during a peaceful protest in front of the Phnom Penh municipality building. They were subsequently detained unlawfully at the Prey Speu Social Affairs Center, an extra-judicial detention facility, where conditions are reportedly worse than in prisons, and human rights abuses frequent. Furthermore, the use of the judiciary as a governmental weapon to silencing women activists reached a new high, when, on 22 May 2012, 13 Boeung Kak women were violently arrested while singing songs about land rights. After an expedient trial filled with irregularities and despite the lack of inculcating evidence, the 13 women were convicted of illegal occupation of land and obstruction of public officials with aggravating circumstances and sentenced to 2.5 years in prison. The 13 women were released after spending a month and three days in prison. Nonetheless, the appeal judges did not drop the charges, meaning that the 13 women still have a criminal record for offenses they did not commit. Watch the video on *Free the 15 BKL* at <http://www.licadho-cambodia.org/video.php?perm=35>

In Cambodia, women are not expected to be politically empowered. When women do get politically active, the government engages in slander campaigns against women activists, accusing them of being bad mothers who neglect families to serve the interest of foreigners and NGOs. In addition to the uncertainty of losing their homes, women activists have to cope with the added psychological impact of forced eviction and slander campaigns. On 22 November 2011, Chea Dara, a prominent female leader of the Boeung Kak campaign, lost hope after years of fighting and committed suicide. Psychological harm, like physical and sexual assault, constitutes gender-based violence. These assaults equate to violation of women’s rights to physical and

## Sheltering Earth: Slum Dweller Rights in Nepal

By Kala Rai and Bhagwati

emotional integrity. These abuses are perpetuated in the name of development, yet development cannot be achieved by disregarding the rights of women. Using the words of Tep Vanny, a Boeung Kak women activist, “they use the development sign to mistreat people. But development in my country makes people miserable and cry.”

This year a potential new challenge looms in relation to land grabs in Cambodia. A new draft law - officially titled the Law on the Management and Use of Agricultural Land – may have grave implications for private landholders, taking away their ability to make fundamental land use decisions on their own property under threat of criminal prosecution. “The draft law appears to create a list of new crimes to threaten small farmers with,” said Chea Sopheak, of the Farmer & Nature Network (FNN). “Such interference with private property ownership rights is unjustifiable.” Read more on Licadho’s press statement and briefing paper on this Read more on Licadho’s press statement and briefing paper at <http://goo.gl/vvTOK>



As the race to secure and develop valuable land reaches up into the mountainous nation state of Nepal, Kathmandu’s urban slum dwellers are now at risk of losing their homes and falling deeper in to the clutches of poverty. According to reports from APWLD member and partner, the National Alliance of Women Human Rights Defenders (NAWHRD), and Women’s Rehabilitation Centre (WOREC), on 8 May 2012, Nepalese authorities and police carried out a large-scale forced eviction of communities living in informal settlements at Thapathali, Kathmandu, on the banks of the Bagmati River. Authorities used excessive force, neglected due process and failed to provide alternative housing and transition options for those being evicted. Women were subjected to state sanctioned violence and have been placed in extremely vulnerable living conditions.

The Thapathali slum community is a cluster of settlers who arrived in the 1980s in search of economic opportunities but were forced to settle on the riverbanks due to high costs of land and housing in Kathmandu. Some had left their own villages in the aftermath of disasters, while some others were women who had settled at Thapathali after being abandoned by husbands and families. According to a report of the



*High-Powered Committee for Integrated Development of the Bagmati Civilization* (HPCIDBC), a government agency, more than 10,500 people live alongside the banks of Bagmati River, but slum dwellers' organisations estimate that there are more than 23,000 persons living there.

In this act of state violence, Nepalese police and Nepal Armed Police Forces destroyed over 248 houses and a school. According to information received, the eviction has made 994 persons homeless, including 401 children below the age of 15. Most families had been living in Thapathali for the past six years, but 11 houses at Kuriya Gaon have been standing for 20 years. The evictions were conducted before arrangements could be made, by mutual agreement, to relocate the community to another area. As a result, the evictions have left many families' homeless, and vulnerable to violation of their right to food, health and safe drinking water, all of which are a violation of Nepal's human rights obligations. Those that have remained do so under poor living conditions.

As the Asian Human Rights Commission reports, the eviction attempt had a quick and devastating effect on the community, particularly on women and children. A Housenet Nepal study revealed 41 families of home-based workers had lost their main source of income, such as sewing machines, weaving looms and spinning wheels, while others saw their small shops destroyed. Some of these women voiced concerns about their inability to repay the loans they had taken to build their houses or launch a small-scale business. Living by the river would also have provided women with access to this resource for domestic and livelihood needs. Relocation could lead to constraints on household and other activities that involved the river. Loss of livelihood, homes and access to land place women, particularly women headed households, in a vulnerable socio-economic position that can leave them open to exploitative circumstances.

Women in Nepal face discrimination in social, legal and economic spheres. Sons are valued over daughters and this secondary status of women and girls is reflected in the denial of equality across social customs, laws, policies and opportunities. Women and girls in low income urban and rural populations have a higher workload than men and boys, poorer access to education, health care and economic opportunities, endure early marriages, can only hold property through their husbands and male family members, and face gender based violence. Trafficking is another serious concern that affects many women and girls in Nepal. Women are treated differently based on marital status and lack of such a status (widows, single women) can lead to social exclusion and violence. Women also encounter insecurity in access to, and ownership of, productive resources, in particular land; and discriminatory practices on income earned and in obtaining fair working conditions. Considering the status of Nepalese women, women from Thapathali

face multiple challenges if left to cope with survival and activism on behalf of their homes.

Following the forced eviction, WOREC provided support and advocated for the housing rights of women and issued a press release alerting that 15 pregnant women were now homeless, of whom 5 had suffered miscarriages due to the excessive force used by the police in conducting the eviction. During the forced eviction, reports circulated attesting to women having been beaten up by the police as they rushed to save belongings in homes. Such abuse at the hands of authorities who are expected to ensure public safety raises serious concerns for the security of women in a country like Nepal where sexual and gender based violence issues are prevalent.

As water and sanitation facilities deteriorate, the community lives at risk of water borne diseases, thereby increasing the potential burden of care placed on women and girls in their role as care givers in the domestic sphere. Lumanti also expressed concern at the lack of access to safe and hygienic latrine and bathing spaces, which exposed women and girls to sexual harassment and violence. Many children, on the other hand, have been unable to go back to school and are now deprived of education. This poses a higher risk of girls being unable to go back to school as families choose to limit expenses and seek more care giving support from girls.

Thapathali's problems began 3 years ago, when the government had announced plans to evict communities living alongside the banks of the Bagmati River for development purposes. In 2011, the Supreme Court directed the government to stop the encroachment of the slum dwellers yet the HPCIDBC, supported by a taskforce including all political parties proceeded with





plans for forced eviction and media announcements were made of the deployment of a 3000 strong police and armed personnel force. Meanwhile, five slum dwellers' organisations' filed a writ petition to the Patan Appellate Court to suspend this decision. On 11 December 2011 the Patan Appellate Court issued a stay order to the three District Administrative Offices of Kathmandu Valley, the Nepal Police and the HPCIDBC to suspend the eviction process until 17 January 2012. On 27 January, the Supreme Court upheld the government decision to evict the slum dwellers but further ordered appropriate alternatives for them. Though ministers have committed to develop suitable alternative solutions for the slum dwellers, the government's development plans for the Bagmati River had not included any provision to provide alternative housing options to the community, nor was the community consulted in the process leading to the decision to evict them. In January the government launched a verification process to determine those who were "genuine" slum dwellers but the process has been slow and viewed as discriminatory to the slum dwellers.

The slum dwellers have organized themselves in a National Squatter Forum and have organised protests against the eviction without appropriate housing solutions. In January 2012, they forwarded a letter to the



Home Minister, and to the head of the High-Powered Committee for Integrated Development of the Bagmati Civilization and of the taskforce, Mahesh Basnet, urging them to develop a relocation plan in accordance with international standards. A report by The Women Human Rights Defenders International Coalition states that the National Squatter Forum's request



for the government to collectively plan for eviction were "met with continuing harassment and police brutality". On 17 January, more than 400 persons were arrested for having taken part in the protests organized the previous day and at around 4 am the same morning almost 700-800 policemen thronged into the slum area in police vans and trucks and arrested everyone in sight, young and old.

When women human rights defenders visited Maharajgunj and Tinkune police station to support the detainees, they were later condemned in the media by the Minister of Land Reform and Management who described one leader of the movement as a "hooligan" on live television. Such reactions by government officials weaken the position of human rights defenders as they struggle to uphold right in their countries. Nepal has already witnessed attacks and killing of women's right defenders in the past 4 years. In the challenging status of women's right in Nepal, activists are key links in the chain of change that works to ensuring the safety of WHRDs is crucial to development in Nepal.

## Legal Implications

The Interim Constitution of Nepal (2063/2007) guarantees human rights, incorporating women and children's rights that include the protection of all economic, social and cultural rights. However, no domestic legal framework regulates evictions. Nonetheless, the Supreme Court has affirmed the government's obligation to provide appropriate housing alternatives for those facing eviction, and Nepal also bears treaty obligations to uphold housing rights of everyone within its jurisdiction. Nepal is also bound under its commitment to UN *Basic Principles and Guidelines on Development-based Evictions and Displacement*. In the case of these already-committed and threatened evictions, HPCIDBC and local authorities are violating State obligations of Nepal under International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and other human rights instruments.

Sources: Asian Human Rights Commission, WOREC

# Land Grabs: maximising control and profits

By Vernie Yocogan-Diano, Cordillera Women's Education Action Research Center (CWEARC), Philippines



Since time immemorial, the Higaonon indigenous peoples have lived and occupied the lands in Opol, a municipality that is located in the province of Misamis Oriental in Mindanao, Philippines. The Higaonon ancestors lived by farming on these forest lands.

The lives of the Higaonon in Opol began to change with the transformation of their land into pasture land in the 1950s. In the 1960s, the Higaonon reclaimed portions of the land and the remaining lands were taken by Victor Paras a local businessman who started logging operations. Then around 1965, Paras used forcible means like strafing and burning the houses of Higaonon to drive away the Higaonon. In their place, non-indigenous workers of Paras started to settle in the area.

According to the Department of Environment and Natural Resources (DENR), a 25-year Forest Land Grazing Lease Agreement (FLGLA) was granted to Paras' company, Paras Machinery Works Corporation in 1991. Despite this, in 2002, indigenous farmers were able to reclaim more land and eventually founded the Sarahogon Bagooboc Farmers Association (SBFA) to advocate for their rights. In the same year, DENR facilitated the formation of Kahugpong sa Mag-uuma sa Barangay Tingalan (KMBT) or association of peasants

in Barangay Tingalan and granted them Community-based Forestry Management Agreement (BFMA), but this group never became active.

The farmers association assumed their land was safe, even being assured by a provincial office in 2008 that they didn't need to file for stewardship. But this was not the case. In early 2011, they learned at a meeting convened by DENR that Paras had issued authority of the land to a different company, owned by corporation A. Brown. At the meeting, along with, members of the association of peasants, and other Higaonon, declared that a palm oil plantation would be developed on the land. It was emphasized that those individuals or groups who did not agree would not be forced. The company also offered to pay the farmers with P9,000 per hectare for a 25-year lease, and promised them a better life. They realized that their rights had been violated with the agency's approval for the entry of the A. Brown subsidiary to start palm oil plantation operations. This story of the challenges in determining and protecting the land rights of indigenous peoples is just one in a growing number of land deals that is affecting rural populations across the region

After Africa, Asia is the second largest host of farmland investments and transactions. Other countries in the region are not safe from violations of land rights either.

## In Cambodia

The Cambodian government has signed a bilateral deal with Kuwait for the latter to have access to Khmer ricelands under lease arrangements to produce rice for export to Kuwait, Cambodia is promised technology and a US\$546 million loan, yet US\$486 of which is for irrigation development and US\$60 million is to build roads in the northwestern rice-growing province of Battambang. Meanwhile Qatar has also been reportedly eyeing a deal on access to Khmer farms, in exchange of "technical assistance" and a chance for the strongman Hun Sen to go on a trip in the Gulf States to promote Cambodia's rice

exports. The Cambodian government hopes to become one of the world's top rice exporters in 2015. Saudi Arabia, through the US\$26 million investment vehicle, the Far East Agricultural Investment company, has arranged leases in Cambodia, Vietnam, Pakistan and the Philippines for aromatic and long grain basmati to be exported to Saudi Arabia. Singaporean companies, some believed to be Indian springboards, are also investing in Cambodia.

In the wake of growing farmers' protests against land grabbing, investors complained of unclear land ownership laws that hinder from developing farms or launching new mills. Cambodia's revised 2001 land law states that farmers are entitled to own the land if they can prove that they have tilled it for five years, yet 90 per cent of the country's 14.5 million population do not have land titles. In addition, recent executive sub-decrees have re-classified fertile, forested public land as state property, and thousands have been affected by evictions. Private investors want the Cambodian government to be clearer that indeed lands maybe opened up for private investments.

## In Indonesia

The most controversial at the moment is the US\$56 billion food estate project in the Marauke region in West Papua, which was launched in January 2010. Only one of the seven food-producing estates being planned in West Papua, it will span 1.6 million hectares and involves the leasing of land for up to 90 years. It is expected to begin harvesting rice, wheat and palm oil in 2012.

Foreigners are allowed to have maximum ownership of 49 per cent in the plantations. 32 companies have already expressed interest in investing in the project, and six of these have already been granted licenses. These projects are not only in agricultural lands and residential areas of migrants but also in primary forests and peatlands, water catchment areas and ancestral territories of indigenous peoples. Protests have risen from all fronts, from peasants and indigenous peoples who were not at all consulted on the projects and were only promised modern technology; from local activists who are anticipating widescale marginalization because of the entry of non-Papuan migrant workers; and from environmentalists who foresee the conversion of forests and peatlands into commercial farms. A statement of the Aliansi Masyarakat Adat Nusantara (AMAN) to the UN Permanent Forum on Indigenous Peoples is partly quoted, "This kind of large-scale business in indigenous territories without Free, Prior and Informed Consent (FPIC) will only exacerbate the

human rights situation, leading to forced evictions and other human rights violations". The foreign ministry of Indonesia assured the public that the project would utilize "idle forestlands".

## More in the Philippines

In the Philippines, the unfamiliar interest of the Middle Eastern countries in Philippine agriculture and food production was facilitated by the road show made by the previous Arroyo administration. As a result, a US\$300 million 10,000-hectare banana export project in Davao del Norte in Mindanao has been finalized between NEH of Bahrain and the local private corporation AMA Group. In 2009, Bahrain committed to invest in crop technology, vegetable and fruit preservation, biotechnology, post-harvest technology, livestock and fisheries, organic agriculture, aquaculture, coastal and deep-sea fishing management, irrigation and water resources.



APWLD staff at Philippines solidarity mission supporting farmers

The Philippine government is also waiting for follow up visits from Saudi Arabia to finalize the US\$238.6 million fresh investments for cash crop plantations like banana, mango and pineapple, as well as aquaculture and halal food processing. Since March 2008, delegations from Saudi Arabia, UAE and Bahrain have been flying in and out of the country. Former President Arroyo packaged a US\$50 million deal with the UAE to set up banana plantation in Mindanao (southern part of the Philippines), fish and cereal farms in Luzon (northern part of the Philippines) and a pineapple cannery in Camarines Norte in southern Luzon, under a government-funded program, the new halal industrial policy.

Land lease is for 50 years or so which essentially is an entire lifetime. Saudi investments maybe done by buying crop land, obtaining long-term land leases of 30 years or more, taking equity stakes in major food companies, or contracting directly with farmers to



grow crops. They are also eyeing partnerships with the US for raising the capital. China of course is not to be outdone as the Philippine government signed 18 deals with China in 2007 alone for Chinese companies to access 1.24 million hectares of land, including projects on aquaculture as well as the controversial deal with the telecommunications giant ZTE. Social protest stalled the land deals but Chinese companies continue to work with local companies like the SL Agritech for hybrid rice production.

#### *Notes to Ponder for Women's Movements in Asia*

One of the promised benefits of farmland investments is affordable food for all. Land deals are happening in two unrelated markets—the products (land and energy) market and the land market with the latter operating on too much speculation. The other reason why food will not stabilise by allowing foreigners to own land and outsource food production is that the production will eventually be exported back to the source countries at the prevailing global market prices. This is actually one sure-fire way for imperialist governments, food securing states and agribusiness TNCs to earn tremendous amounts of profits, to make use of cheap land and labour in the host countries yet sell back at speculative-driven prices. The host governments, on the other hand are expected to lift local price controls in accordance with the market.

The marginalisation and displacement of farming communities and indigenous peoples from their land with women and children bearing the brunt most, will undermine their capacity to access food. Governments are obliged to take away food distribution subsidies as part of the land deals which eventually aggravates poverty.

The other promise of farmland investments is agricultural development for the host countries in terms of modern technologies and increased sufficiency and productivity in food production. On the contrary, the host countries are practically made to surrender their genuine agrarian development and default from their central role of providing all the necessary capital and technology support, only in favour of foreign governments and corporations.

The inclusion of marine and freshwater resources as well as ancestral lands in land deals exposes fisherfolks and indigenous peoples to large-scale rights violations.

The entry of corporate control in agricultural production undermines and ruins small-scale and subsistence farming that is built on local, indigenous and gender-based knowledge, oftentimes employing biodiversity-based techniques. The national capacity to produce its own food will be lost.

The use of migrant labour to till the acquired lands also poses problems on the rights of farmers and agricultural workers as well as the migrant workers.

At the end, instead of the promised agricultural development, host countries have essentially given up their rights to be self-reliant and self-sufficient in food production as well as their economic democracy and self-determination for sustainable use of their seeds, genetic resources, water resources, livestock and other natural resources.

The role of rural and indigenous women will make the difference.

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Photo credit: Jeffrey Feeger

## The Paga Hill Story: Fighting for customary land rights in Papua New Guinea

In the Pacific region, Papua New Guinea (PNG) has faced numerous rural land grabs in the name of agricultural or business development. Research by the Australian National University reveals that between July 2003 and January 2011 almost 11% of PNG's total land area passed into the hands of national and foreign corporate entities through leasing schemes. Many of these do not follow necessary procedures, fail to give notice to customary landlords, and are alleged to be covers for fell-logging. This year the urban capital Port Moresby was targeted and Paga Hill settlement residents found themselves in a head on collision with a land grab attempt by the Paga Hill Development Company (PHDC)

*"When the bulldozer approached my house, I asked the driver to just tipple my roof slowly so I can collect the roofing iron, says resident Grace Gereva, "However there a police man in civilian clothes came towards me, slapped me first, then punched me and I fell to the ground. I cried and crawled towards the bulldozer, I held the wheels and said if you kill me house, you are killing me so I might as well die with my house."*

Shackling herself to her house helped Grace save her damaged abode but many others have been left homeless and reduced to living among the rubble of their former homes. In the early hours of 12 May 2012, heavily armed police officers attempted to forcefully evict residents at the Paga Hill settlement. The eviction notice was given to the Paga Hill settlement just 3 days in advance. The police entered the settlement early that morning to bulldoze buildings, and it was reported that in the process, they physically abused hundreds of women and children. APWLD member and recently

retired parliamentary opposition leader, Dame Carol Kidu attempted to stop the demolition, but heavily armed officers assaulted her and frog marched her out of the area. For the sole female parliamentarian in PNG prior to the elections in June, and a human rights defender, the brutality she faced is a sad reflection on the status of women and human rights defenders in PNG. Dame's daughter, Dobi Kidu, shared her experience at the eviction scene,

*"Heads were being kicked in, shots fired, cameras stolen. Dame was protecting an old man from being beaten. They told her she was obstructing justice and two policemen held her by the arms and started dragging her. She told them to let her go as they were hurting her only to be shouted at that she was resisting arrest."*

At the time, APWLD issued a statement that was covered in regional media imploring the Government of PNG to uphold the economic and social rights of the women and community and provide appropriate support, as well as investigate the attacks on Dame Kidu as a woman human rights defender.

After the demolition, having nowhere else to go, Paga Hill residents pitched tents and canvas shelters among the



debris of their homes. On 13 May, residents were able to obtain a temporary stay to stop demolition and are awaiting further action by the courts. The forced eviction links back to a long-standing dispute over who has tenure to the land in Paga Hill. Settlement residents claim they were given permission to reside there by its customary owners, the indigenous people of PNG. However, the Paga Hill Development Company says it acquired a 99 year lease from the Papua New Guinea government in 2000, to make way for a hotel and commercial complex being developed by the PHDC. There have also been allegations that the PHDC plans are in partnership with Hilton Hotels (Radio Australia, 14/5/12).

In an official statement released on 13 May, via PNG Facebook group 'Sharp Talk', Dame Kidu pointed out key issues in the eviction process. *"No law in PNG supports what happened today. It was not an eviction. It was a demolition and the company's so called relocation package is laughable. No land has been allocated for them. This does not only involve the so-called illegal settlers (in fact original Paga settlers were put there in colonial days by the traditional owners of the area and there are now fourth generation living there)."*

In 1987, 13.1 hectares on Paga Hill were classified as a National Park for future generations. Ten years later, the Department of Lands and Physical Planning granted an Urban Development Lease over this state land to the Paga Hill Land Holding Company, and, in 2000, granted a Business Lease to Paga Hill Development Company (PHDC), a foreign and domestic business venture. However, according to Dame Kidu and various parties representing human rights and monitoring development initiatives have questioned the legality of this transaction. According to a Public Accounts Committee Report to Parliament in 2009 following an Inquiry into the Department of Lands and Physical Planning, "The (Paga Hill) land was a gazetted National Park and could not be granted away to private hands. How the land came to be given to private speculators is a good illustration of the failings and corrupt conduct of the Department of Lands and Physical Planning." It is believed the land became vulnerable to speculators following the disbanding of the National Parks Board in 1995. The land was later rezoned as 'part commercial' in 2000, but there is insufficient documentary evidence of how and why this was done (IPS, 4 June 2012)

For PNG women, realising their rights, including land rights, remains a considerable challenge. Women generally suffer from excessive workloads,

malnutrition, and poor access to safe water and healthcare services, excessively repeated pregnancies and a high prevalence of gender-based violence. Traditional customs dominate PNG's rural communities and with 90% of the land under customary ownership, patriarchal norms place decision-making power in the hands of men. Women have limited access and control over land and what little they have is through husbands and male relatives. A few communities follow matrilineal traditions but these are often dominated by the decision making power of men. In this context, as Dame Kidu's daughter Dobi explained, settlement communities already suffer from social stigma defined by their poverty and inability to own/rent housing in the cities. 54 % percent of settlers on Paga Hill are formally employed, but their only residential option is a settlement because of limited land availability, low incomes and the absence of affordable housing in Port Moresby. The other 46% of residents survive on non-formal sector work. Access to formal sector jobs is extremely limited for women in PNG, with women having to find informal sector jobs



to support themselves and families in urban areas. Coming from these urban settlement communities, women face added discrimination and lesser access to opportunities and sources of support from society at large. When evictions take place with no support to relocate and rebuild lives, such challenges are intensified for women. Women are often required to manage time for family care giving and economic support roles while living in insecure and unhealthy temporary living arrangements. Displacement or relocation often increases distances of travel for work.

The disruption of lifestyle and social cohesion in the gender discriminatory socio-economic context of PNG can also result in changes in girls' education priorities as families struggle with finances and coping strategies are weakened by forced evictions. Additionally, women and girls are themselves more vulnerable to sexual



## Burma in transition

By Seng Bu, APWLD Secretariat

violence from having to live in less secure living spaces and in a neighborhood where disruption can lead to increased crime and violence. Reports of similar situations across the region show a trend of increased domestic violence as families fail to cope with changed circumstances. With the high prevalence of gender-based violence in PNG, this is more a reality than a potential risk.

As women access and inherit land through husbands and male relatives, the eviction of this community could also disrupt existing family practices of inheritance and land titling that may then return new land to male heads of households. This often happens in land grab resettlement schemes that follow classic models of compensation.

As the Paga Hill residents await a decision on their future, it is women who will need to make the most adjustments to cope with living conditions in the demolished settlement. Informal settlements like Paga Hill have grown as urbanisation places stress on the city's housing and service infrastructure. The nation's urban population, an estimated 12.6 percent of the total population, is predicted to rise to 35 percent, or 3.5 million people, by 2030. According to the United Nations Economic and Social Committee for Asia and the Pacific (UNESCAP), throughout urban centers of the South Pacific "the formal housing market caters to upper income groups because of the cost and access to long term loans. Those without access to affordable housing are left to their own initiative." In this instance, there is an opportunity to use these circumstances to try out alternative land compensation strategies that benefit local communities. By designing relocation and resettlement plans that address the needs and rights of women and men in the community, the PHDC has an opportunity to help balance the inequalities that diminish the well being of women from urban settlements and improve land rights and living standards for urban populations.

Sources: Inter Press Service, JICA Country Gender Profile, Act Now PNG Blog



Burma has entered into an exciting period after decades of authoritarian rule and a dictatorship that impoverished the majority of people on the ground. The international community is applauding Burma's democratisation and its current transition from authoritarian rule to democracy. Yet, the question that should be on people's minds is: "How real is this change for the 60 million ordinary citizens of Burma?" As governments prepare to rush aid money and loans into Burma and corporations line up to invest in the name of 'development', it is crucial to ask what form of development Burma should aspire to. What kind of development would improve the lives of women who have suffered impoverishment, repression and violence?

At the recent World Economic Forum, political opposition leader Aung San Su Kyi emphasised 'cautious optimism' instead of 'reckless optimism'. Since Burma has rampant crony capitalism under military rule, it has not been so convincing to see how this transition will benefit the majority of people in Burma. Cronyism that has led to the governing elite granting positions of authority or opportunity to long-standing friends, regardless of their qualifications has been detrimental to equitable development. The problem in Burma has always been lack of political will- not lack of money. Additionally, there is strong evidence that along with the political system, the military controls much of the business sector. Basic human rights that guarantee a decent standard of living to build sustainable lives and environments for the people of Burma - including marginalised women - are still at risk. One important area for civil society to analyse now is to understand if pro-poor policies are being implemented for long-term stability, and how women will have a clear voice in the process.



In many developing countries, government and the private sector, along with neoliberal economic policy, have failed to reduce inequality and protect human rights, and have instead subjected citizens to abuses such as land grabbing and exploitation as cheap labor. Land reform is considered a crucial step to alleviate poverty and it has been proven to be successful in many countries. Land control is particularly important for women who manage land in the interests of families and communities.

Although the constitution provides women equal opportunity with men in social, political and economic rights, the laws are yet to be practically applied in Burma. There is also a lack of provisions in national law for the empowerment of women and their participation in decision-making processes. Additionally, we must not forget that there are still systematic human rights abuses, including human trafficking and sexual violence committed by the military, most often in ethnic areas. (Valley of Darkness, 2007; Sen, B.K, 2001).

Natural resource wealth is abundant in Burma. However, this natural wealth has only led to prosperity for a few with strong connections to the military. Consequently women rarely share in the spoils of Burma's natural riches. Since 1960, land ownership has been vague in Burma due to the nationalisation of socialist rule by Newin, the former Prime Minister of Burma who founded the Burma Socialist Programme Party in 1962. The two military-managed economic enterprises that were established after 1990, Burma Economic Holding Limited and Burma Economic Corporation, monopolise the key economic sectors like import and export of important natural resources and heavy industries, with little benefit extending to the majority of ordinary citizens in Burma.

International pressure may focus on privatising land and business, but this seems likely to lead to land grabbing and potential evictions. There are daily reports across the country of people being forced out of their homes or losing agricultural land to state-backed projects (Myanmar at risk, AHRC, 2012). As Burma becomes 'the land of opportunity', there is an increase of global business drifting towards Burma while former military officers grab opportunities through their business ties. In the process, citizens are forced off potential real estate so as to attract foreign investors. The existing laws do little to prevent land confiscation by government-supported private actors. Despite Burma's agriculture sector providing 70% of income in the country, productivity remains low due to poor infrastructure, equipment and lack of government planning.

The government's irresponsible development projects in ethnic regions have caused various problems for local ethnic peoples, and especially women. One example is the China Power Investment Corporation that is working to build seven mega dams, about the

size of Singapore, on the cultural symbols of the Kachin people; the Mali and Nmai Rivers. Ninety percent of the electricity will be exported to China and 20,000 people will be displaced due to the dam projects. This development project may cause serious social problems that could result in young women being trafficked to China to be sold as brides or sex workers. Currently, drug abuse, gambling, and crime have increased around the mining project and major cities, adding increased security risks for women.

The rule of law in Burma provides little protection for the poor. If offered at all, villagers have been forced to accept compensation, without due process or recourse. When villagers have tried to appeal, companies have responded saying that they were acting according to a state order. Various petitions and appeal letters have been sent in vain to different levels of government asking to restore confiscated land, even as human rights abuses accelerate in the region. Yet, refusing to be forced out can result in prosecution and jail. The Asian Human Rights Commission observed that 70% of court cases in Burma are decided in part or even whole by the payment of money. They warn that corruption may only grow with an economic boom.

Moreover, there is an absence of economic opportunities, lack of access to economic resources, lack of land ownership and minimal decision making for women in Burma. Women's rights to land are essential for social status, economic well-being and empowerment. As part of APWLD's advocacy for just and sustainable development leading into Rio+20, the recent UN Conference on Sustainable Development, one of the four key demands is access to resources for women. The best way to eradicate poverty is to make sure women have access to and control over land. For long-term stability, Burma needs a bottom-up approach to development.

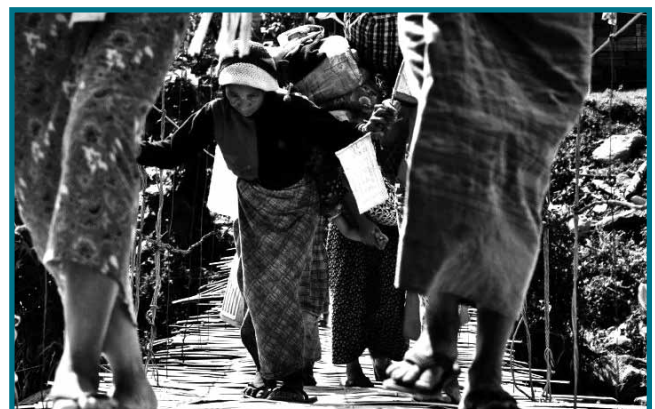


Photo credit: M.Hkun Li

In addition, the proposed land reform law in this transition period has made little attempt to protect the interests of the poor. Section 29 allows the state to take over any land in the name of 'natural interest'. According to the law, the decision lies with the new central council comprising of the Minister

of Agriculture Irrigation and Deputy Minister, the Director General of Land Revenue and Registration Department and unspecified positions from other 'relevant government departments'. There is lack of input, clarification or advice sought from independent experts and representatives from women's rights advocates, farmers groups, or other civil society voices. Hence, the proposed law is designed to empower state officials to carry out land grabbing in the name of the 'national interest', with no recourse for the displaced community.

Burma has the chance to make things right by learning from the experiences of other countries. A few countries, like Vietnam and China have significantly reduced poverty in their nations. Although there is no ideal country for Burma to take development lessons from, learning from a few good practices of other Asian countries would benefit the people of Burma. Research has indicated that China experienced 70% poverty reduction, mostly in its earliest days of reform. The Chinese government gave priority to rural reforms rather than urban reform, which is in stark contrast to other developing countries such as Cambodia. Chinese financial experts (Weiwei, Zhang (2012) have pointed it out that China's economic success is due to its bottom-up, rural centered approach, a stark contrast to the 'trickle down' approach proposed by corporate interests. What is key is that Chinese reform started from the countryside where most Chinese lived. Government ensured land access and did not allow land monopolisation. It also ensured guaranteed food yields that provided greater food security. Rural reform also supported the rise of millions of small and medium-sized and community run enterprises.

Moreover, in Vietnam land and other economic reform initiatives are considered successful in stimulating agriculture production, allowing the country to transform from the largest rice importer to the world's largest exporter. Land law in Vietnam has continuously been revised, supplemented and improved in order to respond to the needs of development in the country. Since 1981, 53% of its gross domestic product came from agriculture in Vietnam and employment in agriculture remains high. From 1993, with a further revision in 1998, one of the resolutions constituted farm households as the main unit of agriculture production and provided allocation of land use rights. The State gradually established the legal ground to enable protection of the legitimate rights of farmers. Most importantly, there is also equality between husband and wife in terms of land use certification and land use rights, with land considered common property between them.

In contrast, Cambodia is the typical aid-dependent country with poor land reform, weak governance, corruption and over reliance on foreign direct investment. Cambodia is known for its frequent land evictions. The economic expansion has been

accompanied by increasing demand for land that has created tenure insecurity for the poor. The case studies at Boeing Kak Lake in Phnom Penh exemplify the typical land grabbing issue in the country. The government leased land to a Cambodian construction company, affecting over 4,200 families who had long been settled around the lake and have legal ownership under laws adopted in 2011. Despite the law, the government rejected residents' claims saying it was State land. The judicial system, known to be highly corrupt and politicised, offers little to no assistance.

When it comes to international aid, the Cambodian elite employ a 'two-faced strategy' with a show of upholding policy for international donors, while prioritising personal wealth and political interest in their dealings in-country. Although the aid allows the government to push for reform, broader management on land reform and political and economic reform has been minimal. It is important to acknowledge that Cambodian democracy has failed to become 'a full-fledged democratic ideal' and remains merely a practice of holding democratic elections. Similarly, despite the obvious problems that persist with cronyism in Burma, the government has done little to eliminate such practices.

Meanwhile, in Burma there is not much talk about economic reform in this area by President Thein Sein. Most importantly, the president has ignored the existence of official and systematic corruption and the negative conduct of Union of Myanmar Economic Holdings Limited (UMEHL) and Myanmar Economic Corporation (MEC,) the country's two major economic enterprises.

The experiences of other countries have shown that Burma needs to be cautious in the drive to introduce neoliberal capitalism. While poverty is already widespread in Burma, it is important to first improve and secure land rights for women, labour rights and a real voice in determining development and economic policy. Burma is in a position to avoid mistakes made by other countries.

## Recommendations

- Resolve ethnic conflicts for stability, peace and development in the country. Instead of focusing on long-term peace and political solutions with ethnic groups, the government is rushing for economic development rather than institutional reform for ensuring the basic rights of citizens.
- Create an independent judiciary and the rule of law, particularly in land management. Land management should be socially inclusive and non-discriminatory and land deals should be negotiated in a transparent manner. There should be appropriate procedures for land registration, community engagement, compensation and mechanisms to address land disputes.



- Suspend the implementation of Farmland Law and engage in dialogue with members of the public at all levels, independent experts and farmers and representatives. The law should be re-drafted to guarantee the livelihood and food rights of the citizens, and procedures and structural arrangements made through the consultative process should be open for judicial review.

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## Just and Sustainable Development Goals: APWLD Advocacy from 'Pre' to 'Post' Rio+20



Development has always been a central part of APWLD's work. We are critical of the development framework that has dominated approaches for the past 30 years. The approach, lead by international financial institutions and Northern donors, has been to stimulate economic growth by de-regulating government intervention, privatising public assets and encouraging foreign direct investment. It has assumed the 'trickle down' impact of wealth generation. It is increasingly evident that this work has failed to eradicate poverty and has instead magnified inequalities and caused human rights violations.

In the past year APWLD has been focusing on articulating a feminist development framework, working on various levels and linking grassroots women's voices to the global processes. Our efforts included our regional consultation, held in Cambodia, with special procedures mandate holders on the right to development; participation in the preparatory meetings for Rio from the regional preparations to the intersessionals and leading of a delegation of women to the meeting; leading a delegation of rural and indigenous women to the Commission on the Status of Women, and leadership of the Global Women's Forum ahead of the High Level Forum on Aid Effectiveness in Busan. We also held several member workshops in preparation.





At national level, members have organised countrywide and community level consultations to reach out to more rural and indigenous women to build their capacity on advocacy, as well as invite relevant government sector and other stakeholders to discuss their vision of development. The Centre for Human Rights and Development (CHRD) in Mongolia, led a CSO conference to assess the past 20 years of Mongolian sustainable development initiatives. Recommendations on critical issues such as mining, gender equality, health and 'green development' CSOs were made to government. Meanwhile in Laos, Women Rights Study Association, one of our regional preparatory workshop participants, organised a joint campaign meeting with the Ministry of Agriculture and Forestry and CSOs to move forward feminist development priorities for the rights of rural women.

## Four Demands for Just and Sustainable Development Goals



We are now using that experience, and all the information collectively developed in those processes, to articulate a feminist vision post 2015. We want to influence the new international development goals to be focused on structural causes of inequality and poverty - not simply measuring 'bandaid' solutions. We want to shift the development and economic paradigms that dominate development thinking. In an effort to do that we've started to articulate what development goals might look like from a feminist perspective and come up with four areas of focus.

The global model of development is not working for rural, indigenous and migrant women of Asia Pacific. Market driven economic growth may have increased GDP and profits but it has done little for women living in poverty, and has instead made many women's lives less sustainable and secure. We need development goals that focus on sustainable communities, sustainable lives and sustainable environments.







### 1. Access to Resources

*The best way to eradicate poverty is to make sure women and men have access to, ownership and control over land. Access and control over land would ensure food sovereignty for rural and indigenous women and their community.*

*Governments must ensure women have access to and control over productive resources, land, finance, sustainable energies, information, education, health care and markets!*

**I - We want an indicator that aims to increase the percentage of people who have access to land and the percentage of those who are women.**

### 2. Decent Work and Economic Rights

*The majority of women workers in Asia live in poverty. Development models have pushed real wages down, particularly in women-dominated sectors. Women workers must receive wages that can support their families to live with dignity, and have access to all labour benefits, including education, training, social security and legal protections.*

*A living wage sufficient to cover sufficient calories, housing, education, utilities, health and daily expenses for a family to live in dignity is required. This must be extended to all industries, formal and informal, and include domestic work.*

*Governments should commit to foster national and local production and enterprises supporting small-scale business and producers for sustainable development.*

**I – We want an indicator that measures whether a country has legislated for all workers to receive a living wage (calculated on an agreed method) and how many women are able to access a living wage. We want an indicator that measures and aims to reduce economic inequality within populations, and between men and women.**

### 3. Peace

*Militarisation, often a justification for peace and development, only fuels conflict in communities. Violations against women's human rights and violence against women result from conflict over natural resources, military defence of natural resource extractions and militia of corporations hired to secure the interests of profit over women's human rights.*

*Violence against women is a major barrier to the enjoyment of all other rights. Governments must fulfil and protect women's human rights and ensure just and lasting peace, without wars, armed conflict and violence against women!*

**I – We want an indicator that compares military budgets to expenditure on health and education. We want an indicator that measures whether a country has laws and policies to prevent, prosecute and protect women from violence.**

### 4. Voice

*Rural, indigenous and migrant women benefit least from economic growth, yet suffer the most from loss of sustainable lands, climate disasters and inequality. They are rarely heard or engaged as decision makers in development. Persistent inequalities-including economic, social, cultural, and political- prevent women's full and meaningful participation in policy making, development programmes and implementation. Women are forced to accept development policies and programmes which are irrelevant and disempowering.*

*Governments and development institutions must ensure that women, especially rural, indigenous and migrant women, are not only present in formal processes, but also contribute their perspectives and recommendations in decision-making at all levels of development issues! This must be done through a bottom up, decentralised process owned by people.*

**I – We want an indicator that sets a minimum quota of 40% of women in all decision making bodies (including at the UN level). We want regulated mechanisms for making development decisions that require women to have a primary voice in development that affects them.**





# Unmasking Morality: Challenging the place of morality in human rights

*“Public morality concerns naturally fragments women.”*

- Yakin Erturk, UN Special Rapporteur on VAW

In the past two years we have seen a renewed push for traditional values to be used as a lens to interpret human rights.<sup>1</sup> Similarly, repressive governments cling to the idea that human rights must be limited to protect ‘public morals’. These clauses have the potential to undermine the gains of the women’s movements on gender equality and women’s human rights. Traditional values have typically targeted gender, bodily integrity and the different identities of women and girls as subjects of control. Particularly at risk are rights to determine one’s own sexuality and relationships, freedom of movement, the right to live free from violence and coercion, laws protecting girl children, and sexual orientation and gender identity (SOGI) rights.

As the Association of Southeast Asian Nations (ASEAN) is drafting a Human Rights Declaration, APWLD has interrogated the legitimacy of including ‘morality’ as an allowable excuse to limit human rights enjoyment. Following the creation of the ASEAN Charter and the formation of human rights bodies, ASEAN will be the first region with a human rights declaration and architecture in Asia Pacific. There are indications that the Asian Human Rights Declaration (AHRD) will attempt to reflect ASEAN’s “common values” and “particularities” and include terms such as “morality” and “public morality.”

The Universal Declaration of Human Rights (UDHR) includes morality as one of the limitations under Article 29:

*29(2) In the exercise of his (sic) rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just*

1 In April 2011, the Russian Federation led a process that facilitated the Human Rights Council resolution on the role of traditional values in promoting human rights and fundamental freedoms. <http://www.unhcr.org/refworld/category,LEGAL,UNHRC,4dc106fb2,0.html>

The intense debates surrounding the “safeguarding” of traditional values were also the highlight of the last Commission on the Status of Women session in March 2012. The CSW failed to adopt a resolution, with states attempting to re-open negotiations on women’s human rights to accommodate traditional values.

*requirements of **morality**, public order and the general welfare in a democratic society.*

The UDHR and liberal narratives of individual public freedoms have been subject to persistent feminist critique. It is time to question the inclusion of the loose and potentially dangerous term, ‘morality’ as a justification for states to limit human rights enjoyment.

As part of our campaign to make the AHRD a useful instrument for Southeast Asian women, APWLD sought the advice and opinions of several feminist human rights and legal experts, specifically in relation to the inclusion of morality. This list includes Yakin Erturk, former UN Special Rapporteur on VAW, Madhu Mehra, APWLD member and Executive Director of Partners for Law in Development, feminist international legal expert Sara Hossain, UN Independent Expert on Cultural Rights Farida Shaheed and Rita Izsak, UN Special Rapporteur on Minority Rights. The experts unanimously advised that morality clauses have the potential to undermine women’s rights.

One of the experts consulted is Dr. Purna Sen, Programme Director, International Development of the London School of Economics, and former Head of Human Rights for the Commonwealth Secretariat, and former Director for the Asia-Pacific Programme at Amnesty International. In this issue of Forum News, Dr. Sen offers her expert view on how notions and applications of morality, honour, and shame have been used to deny women dignity, respect and justice.

Dr Purna Sen, London School of Economics

On Morality and Rights

With reference to work towards the

ASEAN Human Rights Declaration

*For APWLD*

## Not all ‘bad’

Inclusion of a reference to public morality as a boundary for the exercise of human rights in the AHRD has caused concern among women’s rights activists. While morality and moral concerns are not intrinsically undesirable, their malleability and the ease with which these concepts can be moulded to agendas that are not always humane, understandably prompt anxiety and opposition.

Morality may not intrinsically be a ‘bad thing’. It shapes the obligations parents have towards their children and in turn that offspring take on for their parents, carers for their dependants, for vulnerable populations such as the disabled, or settled populations towards displaced groups or refugees. Morality offers, at its best, a set of standards and yardsticks for the best of humane and humanitarian inspired behaviours. Such frames are often universally recognised or at least find reflection in cultural and social practices across diverse contexts.

The positive humanity that can be motivated by moral imperatives is to be valued. Yet morality and moral considerations are not always or consistently to the good. The lack of exactitude in the delineation of moral standards means that they can be defined and utilised in inhumane, destructive or decidedly cruel ways.

### Moveable meaning

It is in the immensely fluid meanings of morality that the room for inhumanity lies. To explore this, one has first to consider whether a) morality can be given absolute definitions or meanings, either across or within a temporal/cultural location/s, b) if this can be done in ways which enhance the well being and flourishing of the many and, if not, c) whether the notion of morality is useful in establishing norms and standards of human interaction and relations between individuals and the state.

Taking each in turn:

- a) Absolute definitions of private and public morality in a 21st century globalised world:

ASEAN has been the engine room of much of the dynamic progress that has come in the fast paced globalisation seen in the 20<sup>th</sup> century. Not only is economic change inherent in globalisation but communications (electronic and social network communications), urbanisation and other population movements mark this rapid period of change. The growth in democracy and in civil society effectiveness as part of this set of changes is to be welcomed.

In a period of such dramatic change any attempt to define a public morality is inevitably burdened with negotiating a path through rapid and increasingly democratic, egalitarian ways of being an individual and part of a collective. There is a danger that recourse to such notions will conclude with attempts to establish the nature of such a morality that draws too heavily on definitions of morality that are outdated or that are being challenged, as the ASEAN region as elsewhere.

A quest for a definition, set of standards or boundaries that flesh out a shared and lasting sense of a public morality is unlikely to be fruitful and is thus not a useful endeavour. It would risk being out of date as soon as, or very soon after, it was finished. It would also risk undermining the very philosophy of human rights – dignity, respect and non-discrimination.

- b) Morality and human flourishing

Governments and states have come to accept that the rule of law, processes of transparency and accountability and human rights standards are legitimate and necessary aspects of just and

democratic development. In establishing a regional human rights mechanism and a charter, ASEAN is joining the ranks of forward-looking states and blocs. Neighbouring SAARC has not put itself in a similar position.

Locating ASEAN squarely in this group means that the logic of the direction of travel cannot avoid being progressive, driven by concerns for such matters of fairness, justice, human dignity and tolerance. Such are the standards by which human interaction are increasingly measured, as well as relations between the individual and the collective and the individual and the state.

Morality, in its imprecision, may be associated with such behavioural norms or it may not. It is not contestable that morality has motivated the isolation of peoples with disabilities, the ostracisation of children born out of wedlock (no fault of their own) and has been responsible for innumerable actions that have caused actual harm.

Public morality frames the boundaries of un/acceptable behaviours and links these to collective honour, reputation and conformity. Such considerations have fallen harshly, cruelly and disproportionately on women, whose movements, actions, friendships, and bodily integrity have been circumscribed in the name of morality. For too many women and girls, the justification of morality has brought confinement to the home, entry into unwanted marriages, lack of control of sexual intimacy, punishment for being the victims of rape or sexual assault (and much more) – all of which are increasingly recognised as harmful practices.

That harm is caused in the name of morality illustrates how a concept that can bring good is not reliably a tool for humanity but too dangerously easily can it be wielded as a weapon against those who dare to dissent or who, through no doing of their own, are deemed not to conform.

To offer such a powerful tool to those who would deny women their rights, autonomy dignity and respect is surely not a gift that ASEAN wished to bestow. Indeed, to take such a step in the second decade of the 21<sup>st</sup> century would show that ASEAN has not really understood what the human rights framework has come to mean in contemporary times.

Given that morality cannot be defined in absolute terms (section a) above) then one is left with the flexible and imprecise meanings of the concept. Herein lies a great danger to the well being of women. It thus becomes relatively easy to allege that a woman is fallen, immoral, unwanted; to shape and mete out punishment for such claimed wrong doing and to deny women's voices in

such debates. For in situations of power inequality, especially of gender inequality, the powerful have the authority to name, shame and punish.

The power to define public morality in its undefined state will rest with those who wield political or cultural power. Such power, if left unchecked, cannot be certain to be for the good of all. This means that the flourishing of ASEAN citizens cannot be guaranteed; yet one must assume that herein lays the motivation of the group in its journey on human rights. This surely cannot be ASEAN's intent.

- c) A standard, uniform definition of public morality that stands the test of time and serves the human flourishing of all cannot easily, or perhaps just cannot, be devised. The alternative of leaving the concept undefined is a hostage to fortune in terms of those who would harm women (and others who may also be less than powerful in their given context) and absolutely must be avoided.

The last option then is to omit references to public morality in the shaping of human rights commitments. For it is in the accepted concepts that are integral to the human rights discourse – such as dignity, respect, tolerance, non-discrimination – that appropriate standards and yardsticks are to be found. ASEAN would be setting its face to the future and to the true spirit of the human rights vision by ensuring that all people know and enjoy fully their rights and freedoms.

For this to be possible, the vague notion of public morality cannot be invoked. In contrast, the immense harm to women that is made possible by the promotion of the notion of public morality must be absolutely avoided.

Many researchers, activists and writers have documented the ways in which notions and applications of morality, honour, shame etc. have been used to deny women dignity, respect and justice. I include my own work on concepts of honour in this set of discussions.

I strongly urge ASEAN to show its deep comprehension of the meaning of human rights and commitment to its full realisation for all, by rejecting the inclusion of public morality in the delineation of the enjoyment of human rights.

## New Resources from APWLD



### Four Demands for Just and Sustainable Development Goals

The global model of development is not working for rural, indigenous and migrant women of Asia Pacific. We need development goals that focus on sustainable communities, sustainable lives and sustainable environments. Access to Resources, Decent Work and Economic Rights, Peace, and Voice are the focus of APWLD's work toward SDGs. This concise 1-page brief outlines why these four areas are key to sustainable development and what indicators can accurately monitor and evaluate these targets. Copies are available on our website [www.apwld.org](http://www.apwld.org)

### Video Resource

In time for Rio+20- UN Sustainable Development Conference, APWLD produced two new videos for advocacy work as we focus on articulating a feminist development framework, working on various levels and linking grassroots women's voices to the global processes.

### Our Rights! Our Voices! Our Resources!

Launched at Rio+20, this video presents 'the future Asia Pacific women want'. With women from across the region directing their powerful messages to governments and international financial institutions, they are clear on what must be done to ensure women's right to resources, decent work and economic rights, peace, and voice

*Weblink: <http://youtu.be/Ph7s7MGWSDE>*



## Our Rights! Our Voices! Our Resources! Case Study- Philippines

Based on footage captured during APWLD's solidarity mission to Northern Mindanao in March, the video presents the double impact unsustainable development has on communities when natural disasters strike. Intensive logging, mining and plantation building have degraded the land, leaving communities, and especially women, vulnerable in the wake of typhoons. Watch the stories of local Moro women who lost everything, and are now leading the rebuilding their village and their livelihoods, and speaking out on women's critical need for access to resources.

Weblink: <http://youtu.be/IBmE-BDTCQY>

### Other video resources from our network:

#### Pesticide Action Network Asia and the Pacific

##### Marina's Story

Video link: <http://youtu.be/QZ5A4wODFow>

For Marina, a 56-year old indigenous woman, her 2-hectare farmland in Southern Philippines is her life and livelihood. But for Dole, the biggest producer of bananas in the world, it is just a piece of cheap land that is good for the expansion of its plantation. Marina narrates her fight to keep her land and the health of her family in a toxic environment, capturing the plight of millions of small food producers around the globe who choose to assert their rights to land and food.



## Comings and Goings

With APWLD programmes growing, the Programme and Management Committee identified the need for more internal Secretariat support and created a new position of Deputy Regional Coordinator. **Misun Woo**, Programme Officer of Grounding the Global, International Mechanisms, has been selected for the position and will commence when new Programme Officer Marion Cabrera joins us later this month. Congratulations to Misun on this exciting new role!

As work on our four major programmes plus crosscutting initiatives builds up this year, we are pleased to welcome new faces to APWLD.

Women's Caucus on ASEAN volunteer **Wint Thiri Aung**,

a native of Shan State, Burma, has been busy supporting various Caucus activities such as the recent session with the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children for regional and national civil society organisations. She has been using her experience as an intern with UNESCO to work with projects that include co-organising a GBV seminar and doing work on HIV/AIDS in Cambodia and human trafficking. Wint has a Masters Degree in International Relations from Webster University in Bangkok, and was also a volunteer with the Southeast Asian Ministers of Education Organization. Her volunteer work will continue up to the end of September.



Consultant **Seng Bu** from Kachin State, Burma brings a background in research as a recent Mahidol University graduate focusing on South East Asian Studies and women's political participation in government and political parties in Indonesia. She has also worked with Kachin Women's Association of Thailand. Seng Bu's role at APWLD is producing a

comprehensive report on development effectiveness and sustainable development, a valuable resource in our work as we review the Millennium Development Goals, and advocate for Sustainable Development Goals. She has also been supporting the BOOM Programme and its activities for pre and post Rio+20. She will be with us until September.



**Kamonwan (Mai) Petchot** from Thailand recently finished her Masters Degree in Development Studies: Human Rights, Development and Social Justice from The International Institute of Social Studies of Erasmus University. She is interning with the Grounding the Global programme until December, helping prepare for our Regional Consultation later this year. Mai brings her background in political structures, as a former research assistant

with the Thailand Political Database, and as programme officer for Advanced Programme for Politics and Election Development of the Office of The Election Commission of Thailand.

Our new Programme Officer for BOOM has joined us from member organisation Solidaritas Perempuan in Indonesia. **Wardarina (Rina)** has already worked with APWLD on Rio+20 preparation



and sustainable development, as well as climate justice. She also brings with her wide experience of promoting leadership with grassroots women in urban and rural areas, indigenous women, and women migrant workers. Wardarina was on the Advisory Board of the Civil Society Forum on Climate Justice and the International Committee of NGO Forum of the Asia Development Bank, monitoring ADB projects and policies. She worked with SP for over 6 years,

most recently as Program Coordinator of the National Executive Body.

**Marion Cabrera** joins APWLD as the new Programme Officer for Grounding the Global. Marion is from the Philippines and brings with her over 16 years experience in gender and development, and capacity building work. She was previously Programme Coordinator, Women and Gender at Freedom from Debt Coalition, and prior to that worked for ISIS International as Programme Coordinator of Governance, Communications and Democracy. Marion is working on her Masters Degree in Women and Development. This experience, plus her strong facilitation and group processing skills within multi-cultural settings, will be valuable assets as she leads the GG programme.

### **Sadly we will be saying a few goodbyes to Secretariat staff.**

Our BOOM Programme Officer, **Tomoko Kashiwazaki**, will finish this month after 7 years with APWLD. Our sincere thanks and appreciation for all of her work in helping build BOOM into such a dynamic programme. Tomoko has led and participated in many major activities in that time, including our 20-year anniversary, campaign our “Don’t Globalise Hunger” campaign and others on climate change and Rio+20. She has also worked on key research on women in disasters, food sovereignty, and climate justice, among others. She represented and coordinated our advocacy with a wide variety of partners and coalitions across the region and the world. We wish her all the best with her new opportunities and will no doubt see her again at future activities related to women’s rights and the environment.

**Panee (Nee) Jainanta**, who had been supporting the APWLD office for the past three years, has realised her dream of teaching and started her new job in July. We share her excitement for this new role and look forward to catching up with her around Chiang Mai. We wish you all the best Nee - those are lucky students!

**Philippa Smales**, who has been volunteering as the PO for the labour and migration area of our BOOM Programme for the past 2.5 years, is moving to an organisation supporting new national education coalitions in the region, and especially the Pacific Islands. She was the point person for United for Foreign Domestic Worker’s Rights, and facilitated APWLD’s advocacy work on migrant women, with campaigns to recognise domestic work as work, and for last year’s historic International Labour Organisation convention on domestic workers. She produced a number of key advocacy tools, including a guidebook on domestic worker rights, “Mobilise”, and “The New Slave in the Kitchen”.

**Sarah Matsushita**, our current Information and Communications Officer (ICO), will finish her contract in August and is heading back to Japan to work further with international NGOs for women’s human rights and humanitarian projects. She joined APWLD last September for a maternity leave cover and in the past year has produced two videos on sustainable development, built up APWLD’s social media sites, and developed a campaign for Rio+20.

We also say goodbye to **Tina Lee**, our ICO who has been on maternity leave. Tina spent over two years at the Secretariat, and her work included developing a comprehensive long-term communications strategy, launching APWLD’s new website last year, redesigning Forum News and our annual report, and developing the communications brand and campaign for the Women’s Caucus on ASEAN. Tina has decided to spend more time with her baby, Max, and will not be returning to the Secretariat. However, we still plan to draw on her skills to assist us remotely if Max allows!



## ABOUT FORUM NEWS

Forum News is a regular publication of APWLD. FN provides space for network members to share information on their activities, campaigns, stories and reflections. The opinions and positions expressed in the articles in this publication do not necessarily reflect those of the APWLD network, but those of the individual authors.

FN welcomes sharing of articles, statements and photos from members and network. FN reserves editorial rights, FN also encourages feedback or requests for further information from the readers, Feel free to send them to [apwld@apwld.org](mailto:apwld@apwld.org).

APWLD is Asia Pacific's leading feminist, membership driven network. We hold consultative status with the Economic and Social Council of the United Nations. Our 180 members represent groups of diverse women from 25 countries in the region. For 25 years APWLD has been empowering women to use law as a instrument of change for equality, justice, peace and development. We use research, training, advocacy and activism to claim and strengthen women's human rights.

APWLD's secretariat is based in Chiang Mai, Thailand.

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