Agrarian Reform and the Human Right to Food
in Honduras

Report of the FIAN International and Via Campesina
Fact Finding Mission
July 29 - August 2, 2000

Introduction

Between 29th July and 2nd August 2000, a commission of nine representatives of the international organisation working for the right to food FIAN (FoodFirst Information and Action Network) and the international movement La Via Campesina, carried out a Fact Finding Mission regarding the Agrarian Reform process and the fulfilment of the Human Right to Food in Honduras. The fact finding mission was realised in the framework of the Global Campaign for Agrarian Reform promoted by the very same organisations which held an International Meeting of Landless Peasants between 24th - 28th July 2000, in San Pedro Sula, Honduras.

The Constitutional President of the Republic of Honduras, Ing. Carlos Roberto Flores, expressed during the inaugural ceremony for the International Meeting in San Pedro Sula, the political will of his government to implement a true agrarian reform. Agrarian reform represents - as underlined by the President’s speech -, a priority element of the Poverty Reduction Strategy. By being included in the HIPC (Initiative of Highly Indebted Poor Countries), Honduras is obliged to elaborate a Poverty Reduction Strategy. We consider the President’s declaration as being very positive since it does recognise the importance of an extensive agrarian reform programme as basic element to fight poverty and to fulfil the Human Right to Food of the most vulnerable rural groups.

With the aim of investigating the fulfilment of the peasants’ right to food, the mission of FIAN and Via Campesina visited three agrarian conflicts: the conflict regarding the land of the former Regional Military Training Center (CREM), the well known CAGSSA case and the associative peasant enterprise “La Marazán” in El Progreso, all of them are situated in the coastal region of the Atlantic. The first two mentioned are actually considered key cases in the agrarian reform process in Honduras. Additionally, in Tegucigalpa we held meetings with Licenciado Aníbal Delgado Fiallos, Director-Minister of the National Agrarian Institute (INA), with Lic. Gustavo Alfaro, Minister to the Presidency; Professor Rodrigo Castillo, Vice-president of Congress, Ing. Guillermo Alvarado Dawning, Minister of Agriculture and Livestock (SAG), as well as representatives of the General Attorney of the Republic and of the National Commission for Human Rights.

Agrarian Reform and the Human Right to Food

Honduras is state party to the International Covenant of Economic, Social and Cultural Rights (ICESCR) and is therefore obliged to respect, protect and guarantee the Human Right to Food, recognised under Art. 11 ICESCR. Specially this last guarantee obligation requires that the Honduran government should
dedicate
“the maximum of resources available” (Art. 2.1 ICESCR) in order to achieve progressively the full
realisation of the rights recognised in the Covenant. One of the fundamental means to achieve the
fulfilment of the Human Right to Food in countries like Honduras is to promote an agrarian reform
process, since it opens up for landless peasants access to resources, which they need to fully exercise
their right to food.

The need for an integrated agrarian reform in Honduras stems from two fundamental issues. Firstly
from the simple data we have about poverty and secondly through the extremely inequitable land
ownership. According to information from the General Statistics and Census Institute for the year 1997,
about 64.2 % of the total population of Honduras is living under the poverty line. The respective
numbers for the rural population (72.6 % in 1997) are even more worrying. It is thus easily considered
that the rural areas represent the focal point of poverty in Honduras. The reason for this relation
between rural poverty and inequitable land distribution is obvious as, according to the National
Agricultural Census of 1993, more than 126.000 rural families (27 %) do no have any access to land
and about a further 80.000 families only own land under 1 hectare. Consequently, more than
200.000 rural families do not own the productive resources necessary to feed themselves, a situation
which without doubt has been worsened by the disastrous damages caused by hurricane Mitch in
October and November 1998.

However, instead of dedicating more effort to implementing an agrarian reform, successive
governments of Honduras have allowed, during the past decades, land ownership to be severely
polarised. This is due to a large extent to the structural adjustment policies initiated in 1990. Especially
the 1992 “Law for Agricultural Modernisation and Development” put an end to the Agrarian Reform
Process in Honduras, thereby reducing the conditions under which idle land or excess land (the
ownership of land beyond the so called “land-ceilings”) were affected by Agrarian Reform. Furthermore,
the permitted the sale of land already expropriated under the Agrarian Reform process.
One of the consequences was that during the first years of the Agricultural Modernisation Law more
than 30.000 hectares land were sold, which had been handed over by the Agrarian Reform. More
than half of this land had been given to the trans-national banana enterprises that are operating in the
country. These numbers lead us to concluding that in the past years there has been a counter agrarian
reform rather than a just redistribution of land.

There are quite a number of examples in which the close relationship between the land ownership
structure and the economic, social and ecological vulnerability. These have been confirmed by the
present government of Honduras. However, we think that the actual government must prove itself
through concrete measures, not only in actual agrarian cases of conflict, but also in national efforts
noticeable in the proportion of budget dedicated to promoting Agrarian Reform, or by the integration
of a far-reaching Agrarian Reform programme as part of the Poverty Reduction Strategy.

From that it follows that we have so far observed a certain incoherence between what has been
expressed and its implementation. At the same time one can also observe an incoherence within the
government of Honduras in the sense that not all representatives who have been talked to during the
Fact Finding Mission have expressed themselves or acted with the same firmness and consequent

The CREM case

During the night from 14th - 15th May, 900 peasant families, organised by the “Peasant Movement of
Aguán” (MCA), peacefully occupied about 250 hectares land in Silín, jurisdiction Trujillo, Colón
department, owned by the State of Honduras and assigned to Agrarian Reform. Through this action
the peasants protested against the land monopolisation by local big landowners.

The mentioned land in Silín, in the centre of which used to be the Regional Military Training Center
(CREM) comprises about 5,724 hectares. After being abandoned by the military in 1991 it was passed
on by the General Attorney of the Republic to the National Agrarian Institute (INA) for Agrarian Reform
purposes. However, instead of transferring the land to the landless peasant families of the area, the
Government of Honduras did not intervene when the municipality of Trujillo started to illegally sell land
titles to military, politician and known large landowners. Pointing out the illegality of the sale of these land titles, the MCA is not only claiming the 250 hectares so far recovered, but the total of 5,724 hectares land in Silin.

CREM has a very particular history. During the 80s it served as military camp to train elements from the Nicaragua Contras and soldiers from El Salvador and Honduras for the bloody counter-insurgency taking place in their countries. During our visit to the CREM site, the fact-finding mission observed that the people live under precarious conditions. On the one hand we consider it very encouraging that a peasant community establishes itself on this land which, from being a place of teaching death, has passed on to being a source of life. We were very impressed by the efforts undertaken with solidarity by the peasants to construct more than 700 shelters, schools for the children, offices for the political organisation of the community and has initiated the planting of the recovered land as a first step to subsistence and to a more dignified life.

On the other hand, the problems which the peasants are confronted with are vast. The peasants still do not have land titles which would secure the permanent property of the land. Neither do they have access to necessary credit to buy seed and for other investments which are necessary for working the land in the long run in a cost-effective way. The lack of food, drinking water, electricity, hygiene and medicines is an alarming indicator for the squalid condition these people are living in and even already caused several deaths. To this poverty one has to add up the climate of uncertainty provoked by threats, harassment and strong intimidation on behalf of the big landlords, which contributes to the fact that tensions on CREM territory are increasingly explosive.

During the interviews which were held with the authorities, some politicians give the benefit of doubt to those who carried out those title transfers to the landlords in 1991, but for others they represent a clearly fraudulent act. However, all representatives of INA, the General Attorney of the Republic, Ministry to the Presidency and National Congress of the Republic agreed that the sale of the land by the municipality of Trujillo was an illegal act. Furthermore, they all expressed their interest in searching for the most expeditious solution to the conflict which may secure the land property for the peasants. Along with the legal measures already taken by the General Attorney of the Republic with the aim of annulling the issued land titles, all authorities consider necessary to search for a faster solution through negotiations, taking into account the investments made by the landlords.

The Fact-Finding Mission asked the authorities to proceed as soon as possible with the solution of the conflict and to hand over all of the land in the context of the Agrarian Reform, as well as to protect the peasants against any kind of eviction. Not only on the executive level, but also on the legislative one, a special commission has been set up to find a solution to the case. We understand that various authorities of the State of Honduras, after a certain time of passivity, have now started to co-operate with INA, trying to promote the recovery of the land assigned under the Agrarian Reform for the peasant families who do need it to realise their right to feed themselves. According to information passed on by governmental sources to the Mission, there are already some landowners who recognise the illegality of the past transactions and who expressed their will to pass their land over to those who are meant to benefit from Agrarian Reform. This is provided that they will receive compensation for the improvements made.

The CAGSSA Conflict

The second conflict visited and investigated by the Mission of FIAN and Via Campesina comprises of 250 peasant families living in the community of Guanchías, Department of Yoro, who after cultivating recovered land for 6 years, are still threatened with eviction. In 1994, the men and women peasants, organised themselves into five co-operatives or associative enterprises, and carried out the recovery of the respective land. This land was the property of the Agricultural and Livestock Breeding Company of Sula S.A. (CAGSSA) and exceeded the maximum limit of agricultural landholding permitted - the so called land ceiling. Furthermore, this land had also been left idle. There were therefore two valid reasons to be submitted to the Agrarian Reform Law. In view of these circumstances it is therefore incomprehensible that the Ministry for Agriculture and Livestock authorised the land ceiling to CAGSSA after the recovery and thereby hindered INA to act in favour of the peasants by issuing the corresponding land titles. In December 1999 the present Minister for Agriculture and Livestock, Guillermo Alvarado Dawning, reconfirmed the authorisation of the land ceiling, in spite of national and international protests and contrary to the position of INA.
Just as in the CREM case, the Mission is highly concerned with the precarious living conditions of the peasant families in Guanchías. To withhold the titles which would secure them the land and give them access to credits, the permanent eviction threats by CAGSSA and the Azunosa enterprise which pretends to rent the land, as well as the murder of two fellow peasants Porfirio Cabrero (already in 1994) and Antonio Cruz (August 28, 1998), which has remained in impunity, all contribute to a totally unacceptable situation.

During the interviews officials showed themselves in the CAGSSA case inclined to look for a solution which will favour the peasants. We feel encouraged by the information from the Minister to the Presidency, Gustavo Alfaro concerning the fact that the Security Ministry has the order not to evict. It remains to be hoped that the National Agrarian Council will issue as soon as possible a resolution which will take into account the severe anomalies which happened before the authorisation of the land ceilings by the Secretary of Agriculture and Livestock and which will create conditions for the handing over of this excess land to the women and men peasants living on the land. Furthermore we ask the Government to take adequate measures to ensure that the mentioned murders will be investigated and will be tried in the respective courts.

The Morazán Co-operative case

In accordance with information given to the Fact Finding Mission, the Government of Honduras wishes to guarantee the security of the land, handing over property titles particularly to co-operatives of the Agrarian Reform. In view of data from INA there are about 900 groups and peasant enterprises under the Agrarian Reform which have not been able to reach a legalised status and which do not have any secure landholding. Some of these enterprises have already seen several governments coming and going, none of which have been able (or did not want) to solve their problem. A very illustrative and preoccupying case in this context is the Co-operative of Morazán.

The Morazán Co-operative, municipality of El Progreso, has been cultivating its land for 20 years and has a landholding guarantee from INA issued in 1975. Upon initiative of the former owner, the co-operative was evicted in 1993. During this operation all the houses built with the assistance of the German government co-operation were destroyed. In November 1993 Cleófes Colindres, a member of the Co-operative, was murdered and thrown into a well located on the co-operative’s territory, which at that moment was under military occupancy. After the murder a peasant group again threw out the militaries and achieved in 1994 an ownership guarantee, which was ratified by INA. However, the proxy to the former owner who said that he bought the land in 1987, discovered that for some reason the signature of the then Director of INA is missing on the guarantee letter. The ratification of 1994 therefore remains invalid. At present there exists an eviction order against the peasant group and the former president of the group is in prison under very dubious accusations. During the meeting the Mission asked INA to guarantee that the order will not be carried out and that it will investigate the possibilities of legalising the land for the co-operative.

Conclusions and Recommendations

Honduras is State Party to the International Covenant on Economic, Social and Cultural Rights and is therefore committed to fulfilling its obligations which arise from these human rights, and particularly those from the right to food. According to Art. 18 of the Constitution, the treaties signed by the State of Honduras are laws of the Republic. With the ratification of the Covenant on Economic, Social and Cultural Rights Honduras assumed the obligation to guarantee to vulnerable groups, the rural sector particularly peasant families and indigenous groups, sufficient access to the resources that they need to feed themselves and to realise their other human rights.

However, the agrarian policies valid since the implementation of the Agricultural Modernisation Law have closed the access to land and have contributed to a land concentration process. In fact a high conflict potential in the rural sector can be observed as the current agricultural politics do not satisfy the urgent needs of the more than 200.000 landless peasant families, which represent about 44 % of the
rural population. Consequently a large part of the vulnerable population in the rural areas continue to suffer the affects of the constant violation of their right to food as well as their other economic, social and cultural rights. A coherent poverty reduction strategy which includes an integrating concept for the Agrarian Reform and which is elaborated with the relevant sectors of civil society, particularly with the peasant organisations is still missing.

Recommendations to the Government of Honduras

The Fact Finding Mission expresses its concern regarding the Agrarian Reform process and the precarious situation of the right to food in Honduras, to the public opinion of Honduras and the international community, and presents the following recommendations to the Government of Honduras:

1. The government should adopt adequate and immediate measures to solve the CREM case, by allocating the land assigned under the Agrarian Reform as soon as possible to the peasants who need it to feed themselves. The government should not only nullify past illegal land transfers, but also negotiate with the landlords adequate compensation for the investments made by them, in order to facilitate the returning of land to the beneficiaries of Agrarian Reform.

2. The government must ensure that necessary measures are taken to solve the CAGSSA case, transferring the land ceilings according to the valid laws of the Agrarian Reform to the landless peasants. The National Agrarian Council is especially requested to issue soon its resolution in this regard, taking into account the former anomalies which took place when the first land ceiling authorisation was issued. Thereby INA would have a free hand to proceed as required to transfer the land ceilings in the context of the Agrarian Reform.

3. INA should adopt necessary measures to guarantee the legal security over land in cases like that of the La Morazán Co-operative, which received land in the context of the Agrarian Reform but still does not possess land titles for this land.

4. The Government should establish an extensive Agrarian Reform Programme in the context of the elaboration of a Poverty Reduction Strategy, as a fundamental element in the fight against poverty and the fulfilment of the Right to Food of the landless peasant population.

5. The Government should revise the currently valid legislation, especially the Agricultural Modernisation Law, under the criteria of its coherence with the Right to Food and the other economic, social and cultural rights endorsed by the State of Honduras.

6. In concrete cases like CREM and CAGSSA the Government of Honduras should search for a major coherence between the State institutions responsible for the case in order to avoid contradictions, as for example when INA wants to proceed to implement the Agrarian Reform and meets with resistance from other governmental entities. Thereby the impression arises that in the very same Government there exist contradicting opinions regarding Agrarian Reform.

7. The Government should adopt necessary measures to establish a Land Fund in order to guarantee that this Fund will complement and not substitute the process of Agrarian Reform in Honduras.

8. The institutions pertaining to the State of Honduras will realise all necessary investigations to find and punish those responsible for the murder of the peasants committed during the agrarian conflicts with the aim of overcoming the intolerable impunity which is still lasting up to this date.

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