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Peasants' rights and agrarian violence in transitional settings: From transitional justice to transformative agrarian justice

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ABSTRACT

This article addresses why the rights of peasants and agrarian violence matter to justice promotion work that seeks to lay the groundwork for future peace and stability. Its central contention is that although rural people have participated in transitional justice processes, the field is yet to engage with peasants as a distinct social group, with the social, economic, and political issues they face, and with agrarian structures and processes that underlie ongoing violence against them. The article argues that peasant rights and agrarian violence matter in light of four rural trends: Peasants in post-transition societies are routinely exposed to complex patterns of direct and indirect nonwar violence; justice interventions may be expected in societies in which there have been large-scale agrarian protests; the root causes of conflict are frequently located in structures and processes of agrarian change; and rural grievances associated with poverty and marginalization are facilitating and enabling the rise of authoritarian populism. The article reflects on the demands these trends create for research and practice, arguing that developing responses to agrarian violence favors a radical, more transformative approach to agrarian justice that engages with wider agrarian political economies and issues of class and gender.

Introduction

In December 2018, the UN General Assembly adopted the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP). Requested and developed with social movements and organizations representing rural people, UNDROP protects and recognizes new individual and collective human rights for people working in rural areas, including indigenous peoples, fisherfolk, pastoralists, and landless workers. *Peasants* are defined in the Declaration as “any person who engages in small-scale agricultural production,” and although there have been ambiguities over what is meant by the term (van der Ploeg 2008; Edelman 2013), peasants nevertheless represent a large proportion of the world’s population. In absolute numbers, they are more numerous than at any point in history (Edelman 2013).

UNDROP has come at an interesting time for transitional justice, as a field of scholarship and practice concerned with addressing legacies of human rights violations in societies transitioning away from conflict or repression and laying the groundwork for future peace and stability. Although peasants¹ have participated in transitional justice mechanisms, and violations against

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them have been investigated, the peasant status of victims has yet to be fully considered by the field as a major determinant of individual and collective experiences of violence and violations. As is well recognized in studies of violence against marginalized groups, experiences of violence are deeply interwoven with victims' group status within wider society, such as when ethnic minorities suffer disproportionately from police brutality (Ross 2015). The social, economic, and political issues such as those that UNDROP was designed to address, and the agrarian structures and processes that underlie experiences of violence are unacknowledged by the field and remain to be tackled in practice. This is a significant knowledge-practice gap that emerges against the background of two significant developments in the field in recent years: its growing sensitivity toward and understanding of the forms of violence experienced by communities and groups, such as indigenous peoples and women, and efforts to respond to these; and its recognition of the social and economic dimensions of transition and the conditions for achieving sustainable peace.

This article aims to respond to this gap. It integrates relevant work from a number of fields (e.g., critical agrarian studies, rural sociology, critical development studies) to set out why peasants and their rights matter to transitional justice as a field of scholarship and practice. Its aim is to begin grounding a research and practice focus on peasants and their rights in transitional justice (1) by reviewing some of the key issues peasants experience that are captured in UNDROP, and the way these are tied to structures and processes in rural society and economy; and (2) by highlighting the consequences of these for the settings in which justice-promotion work unfolds. The article reflects on the demands these create for research and practice and on what implications there are for transitional justice more broadly.

The article begins by situating the dearth of literature on peasants and their rights in transitional justice in relation to recent developments in the field. From there, it discusses how the content of UNDROP responds to issues associated with changes to rural society and economy, expressed in terms of new rights that reflect the indivisibility of political, economic, and social concerns. The next section identifies the issues or trends arising in and through processes of rural change that are relevant to the contexts in which practice might intervene.

Several key arguments are made in this regard. First, direct and indirect nonwar violence is pervasive in transition and post-transition settings, where development imperatives, policy decisions past and present, state neglect, and adaptive rural elites have left many violent structures intact. Second, justice interventions may be expected in societies in which there have been large-scale protests around agrarian issues, such as in post-uprising Tunisia. Third, conflict and mass violence may be rooted in structures and processes in a rural society and economy. Peaceful rural protest can occasionally turn violent, although peasants are often among the main victims of perpetrators of violence in conflict. And fourth, lingering social and economic issues appear to be playing a key enabling role in the recent rise of authoritarian populism. The article reflects on these to indicate what an agenda on transformative agrarian justice might look like in transitional settings, suggesting some initial directions for research and practice.

Transitional justice and peasants

Although peasants have participated in transitional justice processes and violations against them examined by its mechanisms, the scholarship and practice has engaged rather weakly with peasants as a social group. In particular, the field has yet to acknowledge or view as relevant to practice the social, economic, and political issues peasants face on account of their group status and the agrarian structures and processes that underlie individual and collective experiences of violence. Furthermore, the field has not considered why redressing (or failing to redress) structural and systemic violence experienced by peasants might matter to building future peace and stability.

In many ways this is unsurprising. The field remains tightly organized around the core priorities, concerns, concepts, tools, and literatures that informed its emergence in the 1990s as one that attempts to deal with violent pasts and build peaceful futures through mainly legal mechanisms of redress for victims of large-scale or systematic violations (Bell 2009; Fletcher and Weinstein 2015; Millar and Leczy 2016). Among its main mechanisms are trials, truth commissions, and institutional reform, which have been operationalized in the main toward dealing with past acts of political violence. Much less priority has been given to economic, social, and cultural rights concerns, despite the indivisibility of these from civil and political rights as a long-accepted principle in international law. Questions have been asked about how appropriate these mechanisms are for addressing economic and social issues, in particular (e.g., Waldorf 2012); and, on the surface, at least, engagement with the full spectrum of peasant issues by the field of transitional justice may appear tangential.

However, contributions toward the recent expansion of transitional justice make this gap increasingly untenable. Two strands of this expansion are particularly significant. First, the field has become increasingly sensitive to forms of violence experienced by particular communities and groups, such as indigenous peoples and women. This sensitivity has coincided with broader developments in international legal standards and principles around the rights of communities and groups. Concern for indigenous peoples and their rights, for instance, which was largely absent in early transitional justice work (Chapman 2011; International Center for Transitional Justice 2012; United Nations 2013; Littlechild and Stampatopoulou 2014; Young 2014), has come to feature in more recent processes, such as in Peru and Colombia, alongside legal developments. The adoption in 2007 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), among other things, raised the profile of indigenous rights issues in transition and provided transitional justice practitioners with a framework for guiding projects on truth and reconciliation (International Center for Transitional Justice 2012; Carmen 2014). For instance, collective reparations and restitution schemes initiated in Colombia in 2011 have sought to include indigenous peoples among their beneficiaries, alongside other groups affected by the conflict (Rodrigues-Garavito and Lam 2011).

Work around women's rights and gender in transitional justice has perhaps been most central to this aspect of the field's development. This initially began through efforts to prosecute and establish criminal accountability for sexual violence, but it has recently widened in focus to include women's experiences of other, nonsexual forms of violence (Ross 2003; Franke 2006; Valji 2007; Ní Aoláin 2009; Ní Aoláin and O'Rourke 2010; O'Rourke 2015; Grewal 2015; Boesten and Wilding 2015). Feminist scholars have shown how women are exposed to a wide range of gender-based harms across war- and peacetime trajectories, and in particular to forms of indirect violence effected through social and economic structures and inequalities, experienced, for example, as the lack of access to public services, poverty, and ill health among (Boesten 2014; Fiske and Shackel 2015; Shackel and Fisk 2016; Acosta, Castañeda, García, Hernández, Muelas, and Santamaria 2018). Identifying a continuum between women's experiences of violence in war and in peace, these contributions reveal the different forms that violence can take and the gender structures and inequalities that sustain them (Boesten 2014; Boesten and Wilding 2015). In Peru, for instance, Boesten's (2014) study of "rape regimes" during the country's internal conflict reveals how patterns of sexual violence at the time were shaped by specific gender ideologies and other forms of marginalization that actually preceded the conflict.

Calls among feminist scholars for transitional justice to begin developing responses to gender structures and inequalities (Boesten 2014; Boesten and Wilding 2015; Lambourne and Carreon 2016) have converged with the second area of expansion in the field around addressing economic and social dimensions of transition and building the conditions for sustainable peace (Gready and Robins 2014a, 2019; Evans 2019). Transformative agendas, in particular, have emphasized responses to socioeconomic issues and structural violence as ones that are more aligned to the

felt needs and priorities of people in transition societies, identified through various needs surveys and assessments (e.g., Robins 2011).

For such agendas, addressing these means tackling both the sources of conflict and the grievances that threaten a renewal of violence or which frustrate transitions to democracy: as Gready (2019: 23) indicated, “there are often profound structural continuities between violence and the causes of violence.” An emerging practice agenda on “transformative justice” has prioritized process-oriented responses at the local level that involve community participation, empowerment, and advocacy to effect public policy changes or interface with transitional justice mechanisms. The agenda decenters transitional justice mechanisms as the primary focus of justice interventions in favor of activist work—such as that undertaken by community groups, social movements, and local organisations—that

Contest[s] continuities of injustice and seek[s] justice in their local environment and with regard to the state. Justice in transition emerges from a particular time and place and in contrast to transitional justice cannot be prescriptively described, but is the product of a highly-contextualised approach to a justice deficit. (Gready and Robins 2017: 2)

With peasant rights and agrarian violence in mind, these developments in the field generate several key questions: What violence and violations do peasants experience as a social group? What are the structures and processes that underlie these phenomena? Why do these matter to transitional settings? A fourth question, which will be discussed later in the article, is this: How can justice interventions respond?

As indicated in the introduction, the transitional justice field offers few answers to these questions. In transitional justice practice, peasant rights issues have been approached narrowly in civil and political terms, as seen when its mechanisms are focused on investigating deaths, torture, and forced disappearances of rural victims in contexts of conflict or repression. Brazil’s National Truth Commission, for instance, which included a novel rural focus, was concerned to “clarify the facts, circumstances, and actors behind cases of grave human rights violations such as torture, deaths, forced disappearances and the hiding of corpses” (Comissao Nacional da Verdade 2014: 92); yet it shed little light on structural and systemic violence experienced by peasant communities during the repression years and the processes underlying these. As with other truth commissions, such as Peru’s, social and economic rights violations associated with land and territory were acknowledged in its final report, but in a way that was consistent with mainstream practice—as “background information ... which is setting the context for what are perceived as more serious violations of civil and political rights” (Cahill-Ripley 2014: 184).

The academic literature in the transitional justice field also offers few answers here. The social and economic dimensions of violence and violations are unaddressed in this literature, although agrarian violence has been examined by researchers in other fields, disciplines, and sectors (e.g., in Brazil, see Zimmerman 2010; in Colombia, see Thomson 2011). When rural people have been included in studies in the transitional justice field, these have been concerned in the main with questions around the priorities, functioning, and efficacy of transitional justice mechanisms for addressing civil and political rights issues. Studies include, for example, research on how local-level (customary) institutions and actors interact with and shape processes of transitional justice and participation (Ingelaere and Kohlhagen 2012; Iliff 2018); how power plays out in community-based transitional justice (Thomson 2011; Clark 2014); the role of cultural contexts shaping transitional justice interventions (Viaene 2010); local-level transitional justice initiatives involving or led by indigenous groups, such as in Guatemala (Dill 2008; Arriaza and Roht-Arriaza 2008); and what potential there is for restitution and reparation schemes for rural victims, particularly in reference to Colombia (Meertens and Zambrano 2010).

Peasant rights and agrarian change

Answers must be sought from elsewhere. UNDROP is a useful framework for addressing these first questions. At a general level, the declaration captures the core rights issues at stake for peasants globally. As a rights instrument, one of its novelties is that its content reflects, to a wide degree, the claims put forward by rural organizations and movements in response to everyday structural and systemic violence peasants face as a social group. Such issues are associated with long-term changes to the political, social, economic, and ecological configurations of rural life (Claeys 2015, 2019) and are often deeply structural and systemic.² The preamble indicates how, globally, the countryside is a site of routine human rights violations and gradations of everyday and nonwar violence that intersect with direct physical violence.

The declaration expresses, for instance, deep concern that peasants suffer disproportionately from poverty, hunger, and malnutrition, and that they face structural discrimination on account of their group status. Rural women suffer from multiple forms of discrimination in particular, as they are routinely “denied tenure and ownership of land, equal access to land, productive resources, financial services, information, employment or social protection, and are often victims of violence and discrimination in a variety of forms and manifestations” (United Nations 2018: 3). The declaration expresses alarm at the increasing number of peasants who are forcibly evicted or displaced every year, and concern that uneven power relations in food systems “impair the enjoyment of human rights” of peasants (Preamble). The complex intersection of such forms of direct and structural violence has been investigated in social science research and especially ethnographic accounts (e.g., Farmer 2004; Leatherman and Thomas 2009; Zimmerman 2010), such as when harmful and slave-like working conditions on rural plantations in Latin America combine with systemic unemployment, poverty, and ill-health in mutually reinforcing ways (Figueira 2004; de Cerqueira, Figueira, Prado, and Leite Costa 2008; Figueira, Prado, and Galvão 2018).³

New individual and collective rights are set out in the document alongside a requirement that states give special attention to rural groups, including women, children, and people with disabilities. Individual and collective rights included in the document are the right to land and other natural resources; the right to a decent income and livelihood, and access to the means of production; the right to food and to food sovereignty; and the right to social security, among its more novel features. The right to land and other resources, for instance, establishes the individual and collective basis of this right and identifies it as a means of accessing other rights. It recognizes that land and other resources should serve a “social function,” meaning that resources cannot be considered purely commercial assets and that states are required to (re)examine how land is being used and whether its use is in the interests of society (Golay and Bessa 2017; Hubert 2019). In addition, the possibility for peasants to determine their local food and agriculture systems is established through the right to food and to food sovereignty, which had been one of the main entry points for the introduction of a peasant rights agenda at the United Nations. It establishes the responsibility of states to feed their populations and to formulate public policies that promote and protect food sovereignty and equitable food systems (Hubert 2019; see also Golay 2018).

Reflecting the indivisibility of social, economic, and political concerns, UNDROP also responds to the difficulties peasants face in securing redress for or protection from physical violence, abuse, and exploitation, and protections for those working to promote and protect human rights who face a high risk of intimidation and physical integrity violations. It reasserts peasants’ civil and political rights that include the right to participation and the right to form and join organizations, such as rural trade unions, and the duties of states to protect rural people from arbitrary evictions and displacement, exploitation, abuse, and violence. It includes the right to free, prior, and informed consent before a resource that peasants depend on can be exploited, and it also requires states to promote participation of peasants and organizations that represent them in decisions

that affect them, such as in the elaboration of international agreements and standards, labor and environmental standards, and intellectual property laws (Golay 2019).

The content of UNDROP reflects an understanding that violence against peasants and violations do not occur in a structural vacuum, as rural movements and organizations have long been aware. They are deeply embedded in structures and processes in rural society and economy. Structures of class and gender are particularly significant (Bernstein 2010), as well as processes that include the development of new technologies and policies on development and trade that impact peasant livelihoods. As objects of study in the field of critical agrarian studies and agrarian political economy (Bernstein and Byres 2001; Borras 2009), these developments and the effects they have are shaped by common development or “agrarian change” trajectories in the Global South that emphasize a stronger role for the market economy and the gradual replacement of agriculture by industry and services as the economic driving forces of states. The recent decades of neoliberal globalization have given significant shape and direction to these “agrarian transitions” (Bernstein 2010), with implications for farming that include the financialization of agriculture and the growing control by corporate actors over aspects of rural production and exchange (Akram-Lodhi and Kay 2009; Borras 2009; Bernstein 2010; McMichael 2013; Fairbairn 2014; Clapp and Isakson 2018; Hubert 2019).

Three core components of agrarian change on a global scale have had a strong bearing on the content of peasant claims in the UNDROP: the global restructuring of peasant producers into wage laborers through various forms of dispossession, in which peasants become required to sell their labor to urban employers and commercial and small farmers; the transformation of land into a commodity that can be bought, sold, and rented out; and the subordination of peasant producers to corporate and financial actors, such as through contact farming and perpetual indebtedness (Little and Watts 1994; Akram-Lodhi and Kay 2009; Claeys 2015). These have been facilitated by systematic withdrawal of state support for peasants globally and the abandonment of national policies on rural development, with frequently disastrous consequences for rural livelihoods.

For instance, deteriorating conditions for peasant farming over several decades has been underscored by the global phenomenon of “depeasantisation,” which refers to the widescale loss of livelihoods, peasant identities, and gradual expulsion of peasant producers from the land and their relocation to urban peripheries, where they join the growing ranks of the urban poor (Araghi 2009; Ferolin and Dunaway 2013). Other patterns of labor migration—such as the outflow of migrant workers from the Global South to the North—are a response to these dynamics (Delgado Wise and Veltmeyer 2016). The systemic nature of issues arising is confounded by the way these processes have unfolded with assistance from the large development actors, such as the World Bank and the Consultative Group for International Agricultural Research (CGIAR, whose approach to addressing rural poverty involves making peasants more entrepreneurial by integrating them more deeply into markets and expanding their production of commodities for sale.

Four rural trends for transitional justice

For the settings in which justice promotion work has taken place or can be expected to, four rural trends examined across the social sciences highlight the consequences of peasant experiences of violence and violations (or “agrarian violence”) and their root causes. Taken together, they indicate why pursuing agrarian justice in transitional settings may matter to justice-focused interventions concerned with laying the groundwork for future peace and stability. As we will see, these trends place some demands on research and practice.

The persistence of direct and indirect nonwar violence in post-transition settings

First, the issues identified above pervade post-transition settings. Peasants remain routinely exposed to direct and indirect nonwar violence in places where political transitions have occurred, including ones where responding to poverty and inequality were included in democracy- and peace-building processes. Indeed, many of the social movement participants and organizations contributing to the drafting and negotiating of UNDROP through the international peasant movement, La Via Campesina, operate in post-transition settings in the Global South (La Via Campesina 2020). That direct and structural violence remains so pervasive in such settings emerges very much as a function of the wider political economies of transition and post-transition states, in which development imperatives, policy decisions past and present, state neglect, and adaptive rural elites have meant many violent structures remaining intact (Hall and Kepe 2017; McAuliffe 2017a; Bohn 2018).

In South Africa, for instance, where the country's Truth and Reconciliation Commission omitted rural land issues from its remit, racially unequal patterns of land ownership generated under apartheid have continued to reproduce similar spatial patterns of poverty and inequality that were seen under the apartheid system (Bernstein 2013; Cousins 2016; Du Toit 2017). Although the job of transforming this structure was assigned to a post-Apartheid development project geared toward "modernization," its failure is connected to its "orientation toward metropolitan, Eurocentric and indeed 'colonial' norms and standards" (Du Toit 2017: 3; see also Cousins 2016), which in practice has meant favoring large farms and commercial actors to the detriment of poor farmers and rural employment. In addition, land reform efforts in the country, Du Toit has suggested (2017: 5), have been ineffective on account of how these have been designed around "concentrating resources on the economic empowerment of a small group of 5000 or so aspiring medium-scale operators, while smallholder farmers reliant on family labour (approximately 250 000 people) and households practicing some form of subsistence agriculture (an estimated 2 million households) have been largely ignored."

The countryside in other post-transition societies, such as in those of Latin America, continue to see high levels of violence and ongoing failures to transform rural structures that are deeply rooted in colonial and repressive pasts. In Brazil, the Pastoral Land Commission identified 1,489 rural conflicts in the countryside in 2018, of which the vast majority were over land, and 28 murders, in which around 50 percent of the victims were rural leaders (unions, movements, etc.). The overall contribution of land reform work in the democratic period there has been minimal, owing to an export-oriented development model favoring large agribusiness, which has facilitated new practices and patterns of land concentration (Sauer and Mészáros 2017; Robles 2018). This model has been pursued by successive governments largely on account of a powerful agrarian bloc in the country's parliament, and its recent authoritarian turn has seen the suspension of land reform work and new threats to peasants and indigenous peoples (Human Rights Watch 2020).

Agrarian protest

Second, justice interventions may be expected in societies in which there have been large-scale protests around agrarian issues. A case in point is the Arab Spring region, where agrarian issues played a role in the 2010–2011 uprisings (e.g., Bush and Martiniello 2017). In the case of Tunisia, where local protests sparked the larger regional movement and eventually led to a peaceful transition in the country, an "explosion of demands for social justice in rural areas" (Gana 2012: 210) reflected long-standing tensions and grievances in the predominantly interior agrarian regions where the uprising began. Underlying calls for "employment, freedom, dignity" derived from several decades of agricultural restructuring and liberalization that had largely followed World Bank and International Monetary Fund formulae; the promotion of large-scale farming and irrigation

at the expense of small farms and rural employment; and the reduction of subsidies and increasing production costs that had pushed farmers into debt and out of agriculture. Although genuine forms of rural representation and activism in the country had long been repressed, rural grievances had given occasional rise to spontaneous forms of political contention in the years preceding the uprising. These came to a head with the 2010–2011 protest movement that revived a “Tunisian tradition where uprisings against the central government have often had a rural origin” (Elloumi 2013: 195; see also Gana 2012, 2013).

Similar structural issues have confronted the wider region and the Arab Spring countries, in particular, that have “left tens of millions of Arabs unemployed, landless, disenfranchised and desperate” (Zurayk 2016: 140). Yet as Ayeb and Bush (2016: 8) maintained in respect to both Tunisia and Egypt in the post-uprising period, lingering social and economic issues in rural areas remained unaddressed:

[T]here has been no attempt to recast agricultural policy in either Egypt or Tunisia. The neoliberal narrative continues to justify the dislocation and hardship in the countryside on the grounds that the best way to boost agricultural exports is to cater to the prerogatives of landowners and investors which, for too long, had been subordinated to the interests of tenants paying less than market rates for land use. Small farmer interests are shunted aside in the rush in both countries to secure the neoliberal status quo.

In Tunisia—which, unlike Egypt underwent political transition—much of the transition period has seen the continuation of popular protest, especially since 2015. This has come in response to the failure of new economic opportunities to materialize, with actors mobilizing around the same grievances and demanding the state take action to address persistent poverty and unemployment and improve access to resources and services (Tunisian Social Observatory 2017; Forum Tunisien pour les Droits Economiques et Sociaux 2018).

Violent conflict and its agrarian origins

Third, justice interventions may be expected in societies in which there are large numbers of rural victims. Indeed, rural people have been overwhelmingly affected by conflict and mass violence, both as victims and as perpetrators of violence. Peasants can find themselves caught in the cross-fire (Mason 2004) between government forces and armed groups, and are occasionally the main source of recruitment into armed groups, or even constitute their primary support base. A number of societies in which transitional justice processes have been applied, such as in Nepal and Peru, have emerged from conflicts in which armed uprisings against the state occurred with peasants among the main participants and victims.⁴

Although this is certainly well known in the field of transitional justice, what is less understood is the rootedness of conflict and mass violence in structures and processes in rural society and economy, and the dynamics through which peaceful rural protest might become violent (e.g., Verwimp 2003, 2005, 2013; Mason 2004; Munive 2011; Peters and Richards 2011; F. Thomson 2011; Kay 2001; Gutierrez 2015). Indeed, this is a likely symptom of a broader problem with the transitional justice scholarship: that it has neglected to engage with the extensive literature in conflict studies about the causes of conflict (Kostovicova 2019). Issues around “access to and control of land and labour, as well as financial capital” and the threats they pose to “established and institutionalized patterns of access and control” (Cramer and Richards 2011) emerge as significant.

Cramer and Richards (2011: 280) continue:

These changes may be driven by demographic pressures and increasing land scarcity, sometimes artificially accelerated by new forms of foreign investment ... or by immigration and shifts in labour markets, or greater integration into global markets. Central to most of these changes, and the tensions they may generate, are policies: policies regulating property rights, investment in rural infrastructure, establishing sectoral change in productive activities and so on.

Such changes have traditionally been given short shrift in explanations of conflict, yet an agrarian perspective is making something of a resurgence in conflict studies in recent years (Cramer and Richards 2011). Some important case studies bear mentioning. In Syria, water access problems and rural change in the context of a 2006–2011 drought has been given a central role in recent studies (Gleick 2014; Kelley, Mohtadi, Cane, Seager, and Kushnir 2016). Selby's (2019) examination of the country's northeast Jazira region, for instance, locates the drought shock in relation to the region's prewar rural crisis. Water resource degradation and a growth of rural poverty in preceding years had increased vulnerability to drought in the region, aggravated by the rise and subsequent fall of the country's oil rents model of agrarian development. A development trajectory favoring economic liberalization led to poverty rising, for instance, by facilitating a decline in the number of agricultural jobs, government decisions to reduce fuel subsidies and remove fertilizer subsidies, and new rights for landowners to expel tenants.

Attention to rural class and class identities is pertinent. In some instances, the potential for class and ethnicity to track one another closely makes it possible for one form of conflict to be represented or framed as another. In Rwanda, for instance, where most research and practice has focused on the ethnic dimension of mass violence (Fitzpatrick 2005), Verwimp's (2005) study of genocide perpetrators points to the role of different classes of rural producers and long-running changes in access to and control of land and labor, as well as access to work (Uvin 1998). Land-rich households and land-poor wagedworkers in Verwimp's study were found to be overrepresented among the genocide perpetrators on account of how both "groups of households (and their members) began to lose their peasant condition in Rwanda before the genocide" (Verwimp 2005: 317).

According to Verwimp's study, Rwandan society had seen a significant number of households shift from being land-rich households, in which household members held jobs outside agriculture but hired farmworkers to work on their land, to becoming relatively poorer middle-sized farmers or land-poor wage workers in agriculture or low-skilled jobs. The only farms that could expand at the time were ones in which households retained access to off-farm jobs (Verwimp 2005). As such, livelihood precarity among land-poor workers, expressed through their increasingly vulnerable positions *vis-à-vis* land and jobs, emerged as an incentive to participate in violence. This group "could expect to gain from participation [as well as] protect the few things they had," whereas landlords and employers sought to defend "their job, their land, their farm or farm output and their overall privileged position in Rwandan society" (Verwimp 2005).

In other contexts, rural elites have been among the main perpetrators of violence in order to speed up, promote, or resist rural change during conflict. In Colombia, for example, ranchers have participated in the mass displacement of peasant farmers for the purpose of land grabbing (Gutiérrez-Sanín and Vargas 2017: 739; see also F. Thomson 2011: 322; Vargas and Uribe 2017).

The agrarian roots of authoritarian populism

Finally, social conflict and rural grievances associated with poverty and marginalization are playing a key enabling role in the recent rise of authoritarian populism, which "circumvents, eviscerates or captures democratic institutions, even as it uses them to legitimate its dominance, centralise power and crush or severely limit dissent" (Scoones, Edelman, Borras, Hall, Wolford, and White 2018: 3; see also Walsh, Pfeifer, and Galasso 2018; Bello 2018; Mamonova 2019; Gürel, Küçük, and Taş 2019; Kojola 2019).

Although an emerging research agenda on this topic has been perhaps steered by the rise of authoritarian movements in the Global North, such movements have been a "recurrent phenomenon" in parts of the Global South over several decades (Bello 2018: 21), such as in Indonesia in the 1960s and in Chile the following decade. Bello's examination of the Philippines, for example, as a recent case of transition from authoritarianism to a more democratic system and back again,

identified the disappointing record on agrarian reform as a key factor in rural support for Duterte in the 2016 elections. More generally, the “Republic’s discourse of democracy, human rights and rule of law had become a suffocating straitjacket for a majority of Filipinos who simply could not relate to it owing to the overpowering reality of their powerlessness” (Bello 2018: 259).

When I conducted fieldwork in rural Tunisia in 2015, many poor farmers had come to view the direction of the country in overwhelmingly negative terms, thanks to lingering social and economic issues that remained unaddressed. Despite the restoration of some measure of civil and political freedoms, many expressed frustrations with the new Tunisian state and others a nostalgia for the old order:

In the past it was better than now, in the period of Ben Ali. We hope that Ben Ali comes back, we want Ben Ali and the ruling of Ben Ali, and the system of Ben Ali. ... for us, the minority and the poor people, we didn’t get any benefits [from the Revolution]. The only other outcome [of the Revolution] is [our] being punished. We didn’t benefit from this Revolution. We are being suffocated even more. To speak about freedom and the freedom of citizens ... there is no freedom! (Hoddy 2018a; see also Hoddy 2019)

Addressing agrarian violence in transition: Toward a transformative practice

Consideration of peasant rights and agrarian violence in the field of transitional justice emerges in response to two developments in transitional justice: the field’s growing sensitivity toward forms of violence experienced by particular communities and groups, and its recognition of the social and economic dimensions of transition and the conditions for achieving sustainable peace. The foregoing discussion has outlined how the violence and violations peasants face are both individual and collective, anchored in agrarian structures and processes operating at and across multiple scales, and how they concretely manifest in novel ways in local settings. It suggests, as well, that justice-focused interventions concerned with laying the groundwork for future peace and stability require engaging with violence and violations on account of various consequences they can have in transitional and post-transition settings, and with the structures and processes that underlie these.

Calls for transformative justice (e.g., Gready and Robins 2014a; Evans 2016) may provide a framework for responding to such concerns. Although there still remains little by way of practice and programming in transformative justice, the nature and scope of peasant rights issues suggests this likely requires having to proceed “from an acute awareness of the key opportunities and limitations that condition the political economy of the state concerned” and which practitioners can seek to manipulate (McAuliffe 2017b: 8). The demands this puts on practice are substantial. They imply a need to expand significantly beyond transitional justice mechanisms toward incorporating a more comprehensive set of interventions for pursuing justice in transition and for subverting obstacles to change (Gready and Robins 2017), such as when elites and powerholders seek to undermine justice interventions.

Insights and lessons in this regard might be gleaned from several decades’ worth of community activism around peasant rights issues, such as that undertaken by rights-based social movements and local organizations in transitional and post-transitional settings (e.g., Hoddy 2018b). The membership of such movements and organizations, and their aims and scope, tend to be broader than the victims’ movements usually considered by transitional justice scholarship (e.g., Méndez 2016). Occasionally assisted by scholar-activists (Edelman 2009), the work of rural movements and organizations has involved supporting and facilitating forms of community practice around intersecting social, economic, and political injustices at the local level and with particular emphasis on issues of class and gender. It involves assessments of the strategic contexts for action, creating and exploiting new political opportunities, and catalysing and effecting policy and legal changes that can bring about concrete improvements for rural communities.

One example might be the work of the Pastoral Land Commission (CPT) during Brazil's political transition. An organ of the Episcopal Conference of Brazil, the CPT was founded as a rights-based ecumenical group with the explicit purpose of securing justice for peasants through structural and systemic change. Its work was steered by a forward-looking justice vision in which the violence, marginalization, and exclusion of the past and present would be overcome by empowering peasants to transform their structural circumstances through advocacy, direct action, and claiming their rights. It did this through a range of activities that took advantage of a widening political space during the transition. These included consciousness-raising and empowerment work with peasants in various communities across Brazil, networking and bridging with rural organizations, training community activists and leaders, and supporting the development of rural unions and social movements. The group also hosted a network of progressive lawyers who provided legal support, advice, and representation to rural activists.

The demand for local justice issues to serve as an entry point for transformative change reduces the professional distance between practitioners and communities, which is at the heart of ongoing mismatches in priorities between transitional justice practitioners and ordinary people (Robins 2011). It is also pragmatic, reflecting the reality that practitioners—and, indeed, transitional justice mechanisms (McAuliffe 2017a)—are unlikely to effect change in structures and processes at higher scales, such as the way societies are inserted into the global economy and the dynamics underpinning the phenomenon of depeasantization. The creation of new mechanisms at the international level (Golay 2019) through UNDROP may prove more useful in this regard for managing the effects of these. However, these structures and processes do have concrete consequences at local and community levels, and they sustain particular agrarian activities, relationships, and relations of power that may be more directly contested, replaced, or restructured through rights-based community action, as rural movements and organizations have long done. Pursuing transformative agrarian justice would therefore seem to demand that practitioners identify and support ongoing local initiatives aiming to secure justice, broadly defined, for peasants, or that they seek to foster new ones in collaboration with local practitioners.

Support for grassroots processes such as these do not, of course, foreclose the possibility of existing transitional justice mechanisms playing a significant role in justice interventions. For example, key rights might be chosen from UNDROP to serve as a “diagnostic lens” on the past and present. Truth commissions might also make a contribution to national debates about which is the most appropriate economic model for satisfying peasant rights (Gready and Robins 2014a). But it does entail a decentering of transitional justice mechanisms in the field and exploring how these mechanisms might interface with other modalities of justice promotion. In this regard, UNDROP may serve as a useful normative framework around which various interventions might coalesce. Some critics have questioned the value of human rights in transitional/transformational justice on the grounds of being top-down, distant from communities, and linked to (neo)liberalism (e.g., Robins 2019), yet UNDROP is difficult to characterize in such terms. The way it was developed with agrarian movements and organizations (Vandenbogaerde 2017) offers the potential to bring together disparate justice interventions, strategies, organizations, and institutions through a shared human rights grammar.

Overall, the picture painted here may bear some resemblance to development work, or work at the “nexus” of development and transitional justice. Indeed, Lars Waldorf (2012) has questioned whether there is a difference between transformative justice and rights-based, conflict-sensitive development—and it is certainly the case that the social and economic emphasis of transformative justice brings it to share some questions and concerns with development. The key difference, however, lies in the rootedness of development work in a paradigm of economic growth and, by contrast, transformation's rootedness in a paradigm of justice. The latter generates some novel questions: Who are the winners and losers? Which individuals and groups do growth promotion programs marginalize and exclude? Whose rights are undermined or at stake? Where does

accountability lie? What structures of inequality and injustice are at play, past, and present? The list goes on.

A justice paradigm promotes consideration of intersecting social, economic, and political concerns, and yields forms of practice aiming to respond to these concerns simultaneously, as the CPT example suggests. This work is primarily political and is driven, in the main, by a range of civil society actors, organizations, and movements engaged in mobilising and empowering communities. Development, on the other hand, has emerged as a professional field of practice, ostensibly technical, and driven by a narrower range of actors and institutions. Although rights-based approaches (RBAs) combine aspects of both justice and growth, the sheer range of RBAs seems to express the different priorities that organizations and institutions afford to one paradigm over the other and the relationships between them. At best, transformative justice practice appears to approximate more closely emerging work around “development alternatives” or “alternatives to development: (e.g., Lang and Mokrani 2013) that are justice centered, although practice is likely to involve practitioners and organizations working on development issues and some tools, techniques, and methods from the field.

In terms of research, understanding the nature and scope of agrarian violence in concrete transitional settings, including its causes, is a priority. Key questions include these: How does violence change, or how is it reproduced and sustained across transition trajectories, and why does this happen? What social arrangements are at play? How do structures of class and gender, in particular, shape experiences of violence for peasants and other people working in rural areas? What do peasants prioritize in justice interventions, and what kinds of alternative futures might be envisaged?

Answering these questions will require input from across the social sciences, but especially from agrarian political economists, geographers, and practitioners and organizations in transitional settings that are engaged in knowledge production activities of their own. New knowledge about agrarian violence can assist practitioners in several respects, in particular by providing new understandings of complex social systems, including how these might sustain various opportunities and limitations at different scales for effecting change, and where strategic action might be directed. Modes of research incorporating participatory and action components are useful in this regard, although research on violence and its causes and responses is not limited to such methods, and these may be unsuitable in some settings anyway.

Stepping back, what are the implications of a stronger emphasis on transformative justice for transitional justice more broadly? What is the significance of transformative justice for transitional societies, and how do these research questions advance the field of transitional justice?

The argument developed in this article is that human rights violations and violence are experienced by one particular societal group, and that these are known to pervade transition and post-transition settings. These issues have been overlooked by the transitional justice field and have the potential to fatally undermine the prospects for future peace and stability. Generally, a more transformative mode of practice may begin to address the ambiguous and sometimes disappointing results of transitional justice, which has been critiqued, for example, for responding to the symptoms rather than the causes of conflict (Gready and Robins 2014b).

As a radical shift in the “politics, locus, and priorities” (Gready and Robins 2014a: 2) of transitional justice, more ambitious policy and practice responses can seek to address lingering forms of violence in transition settings that matter to building future peace and stability. Widening the focus of its mechanisms to include the societal structures and processes in which violence is inscribed requires closer examination of the particular development trajectories and political economies into which groups and populations are inserted and that shape social and economic injustices and the possibilities for change; and what the role of institutions and elites is at various scales, from local to global. The design and delivery of reparations may be assisted by widening the focus in this direction, for example, where the aim is to transform—rather than return people

to—the conditions of structural discrimination that characterized the past (Manjoo 2017). Transformative justice may also help bring to the foreground the rights, needs, priorities, and justice claims of other groups or populations. This article has focused on peasants in transitional settings, but other groups might include the urban poor.

The research and action agendas here also begin providing an outline for a critical rethinking of the nexus between transitional justice and development. Frequent calls have been made in the transitional justice field for integrating and coordinating justice mechanisms more closely with development action (e.g., Duthie 2008; de Grief and Duthie 2009). Yet there is little to no acknowledgment of the contested nature of development processes and the critiques that have been leveled against mainstream or neoliberal development especially. More blatantly, and as this article has indicated, what is referred to as “development” is often part of the problem. Justice interventions that overlook the tensions between both fields risk losing their transformative edge, in particular, where integrating and coordinating with neoliberal development may make it more difficult for justice interventions to address particular social and economic injustices.

Conclusion

The central contention of this article has been that rural people have participated in transitional justice processes, but that the field has not yet engaged with peasants as a distinct social group, with the social, economic, and political issues they face, and with agrarian structures and processes that underlie ongoing violence against them. This position has become increasingly untenable in light of two recent developments in the field around understandings of violence and the social and economic dimensions of transition and their importance to peace and stability. Peasant rights and agrarian violence matter to transitional justice, in light of several unacknowledged trends that have consequences for the settings in which justice interventions have or might be expected to unfold. Finally, the article has reflected on the demands these insights put to practice. It gives an indication of what an agenda on transformative agrarian justice might look like and what implications there are of a stronger emphasis on transformative justice for transitional justice more broadly. Integrating key literatures and perspectives on practice in relation to this topic, the article should serve as a reference point for researchers and practitioners concerned with rural issues in transitional settings.

Notes

1. For the remainder of this article the term “peasants” will be used as shorthand to denote “peasants and other people working in rural areas.”
2. Unlike most other international human rights instruments, the declaration was developed with the active participation of civil society organizations and social movements representing rural people, such as the transnational peasant movement La Via Campesina (LVC). Its genesis is traced back to community organizing in 1990s Indonesia, at a time when rural areas were seeing a resurgence of activism and advocacy in the post-Suharto era. A peasant rights charter claiming 61 new rights was drawn up through community workshop sessions within the framework of a participatory development project led by the International Institute for Environment and Development, and had the aim of responding to the negative impacts of historical agricultural policies and rural repression (Fakih 2003; Claeys 2015). Much like the “new rights” claims being advanced in rural struggles elsewhere at the time (e.g. Hoddy 2018a), these new rights included “livelihood rights” as “rights to sufficient and healthy food and a reasonably good job”; and “political and social rights” as rights of peasants “to organise themselves/build their own organizations” (Fakih 2003: 153). The Charter was used as a starting point for formulating LVC’s “Declaration on the Rights of Peasants—Women and Men” in 2008, which the movement then used as an advocacy tool for generating support at the international level for a new universal declaration (Edelman and James 2011). The UN Human Rights Council (HRC) went on to establish a working group in 2012 for negotiating and developing a draft document that counted on the direct participation of LVC representatives. It was eventually adopted by the HRC in September 2018 and by the UN General Assembly three months later.

3. At higher scales, quantitative measures including poverty figures such as the Human Development Index provide evidence of structural violence globally. The use of global figures for measuring structural violence was discussed by Iadicola and Shupe (2013). People living and working in rural areas, for instance, make up 80 percent of the extremely poor worldwide (Food and Agriculture Organization 2018), and more than half of the global rural population remains excluded from access to healthcare (International Labour Organization 2015). The 2012 study for the HRC's Advisory Committee on peasant rights, which helped frame UNDROP, identified 700 million rural people globally who are hungry, among whom women are disproportionately affected (United Nations 2012). The most recent figure stands at 821 million (United Nations 2020).
4. Peru's Truth and Reconciliation Commission, which documented human rights abuses committed by the state, the Shining Path, and the Túpac Amaru Revolutionary Movement, identified 61,280 cases of killings or disappearances, the majority of which involved peasants and indigenous peoples.

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