

# EDITORIAL

**F**rom 24-25 November 2016, a regional workshop, “Land as Human Rights: An Imperative towards the Realization of the Sustainable Development Goals” was held in Phnom Penh, Cambodia. Organized jointly by ANGOC, LWA, ILC-Asia and STAR Kampuchea in partnership with Forum Syd, HEKS/EPER-Cambodia and the United Nations Cambodia Office of the High Commissioner for Human Rights (UNCOHCHR), the workshop:

- provided a status of the implementation of SDG goals 1, 2 and 16 in Asia;
- presented and discussed the land governance challenges in Asia;
- presented and discussed the two sub-regional approach papers on linking land as human rights; and,
- formulated policy recommendations to regional bodies and national institutions in pursuing responsible land governance and recognizing land as human rights towards contributing to the achievement of SDGs.

Around 65 participants from CSOs (from Bangladesh, India, Indonesia, Lao PDR, Nepal, Philippines and Vietnam), national human rights institutions and regional institutions, as well as representatives from 25 CSOs and communities, government agencies, media and international organizations based in Cambodia attended the two-day workshop.

This publication is the second of two Lok Niti editions dedicated to the two-day workshop. The first edition contains the major papers and presentation on the Global Land Indicators Initiative, as well as the action plan developed by the workshop groups.

For this edition, it highlights the issues, challenges and recommendations of mainstreaming land as human rights.

Land has always been a source of conflict. Not only is the number of land conflicts rising, but also the degree is intensifying. Land conflicts may result from overlapping land laws and policies, which are not resolved overnight. Land grabbing is almost always done to gain more profit for governments and for companies alike. Thus, governments actively encourage agricultural investments. Displacements are a necessary development cost, and communities are the collateral damage.

Interventions are needed to stop this trend, and the recognition that land rights are human rights is an excellent way to start. More than safeguarding human rights – the right to life, economic, social, cultural, civil and political rights, this also includes the right to food and the right to adequate shelter, which are inextricably connected to the land. Communities working on the land have a right to that land.



Governments have the responsibility to protect their people's rights. Thus, if governments were to acknowledge this responsibility, then lands would not be so easily awarded to rich and powerful economic concerns, but maintained and taken care of by the people who truly have the better claim.

The contents of this edition of Lok Niti includes the two sub-regional papers (one for Southeast Asia and another for South Asia) that outline how rights to land are related to various international human rights agreements and framework, and pinpoint on some of the major mechanisms and processes at regional and national levels where such advocacy on realizing land as human rights. Among the recommendations of the papers are: (1) bringing land rights issues to both ASEAN and SAARC; (2) encouraging these sub-regional groupings to create or strengthen bodies and mechanisms for investigation and monitoring of land rights cases; and (3) intensifying regional campaign on land issues.

A number of country presentations were also given. In Cambodia, Economic Land Concessions (ELCs) are on the rise, resulting to displacement of farmers. The lack of property rights, absence of strong CSOs, and traditional property patterns are the root causes of poor land management in the country, resulting to fragmented land regulation/administration systems.

In the Philippines, the strong resistance from former landlords and corporations claiming ownership of farmer and IP lands weaken Philippines' asset reform programs (i.e., CARPER and IPRA). Some of the hindrances to land rights initiatives include: threat of ejection for farmers who participate in AR program, land grabbing by mining and agro-industrial firms, harassment and violence, agrarian reform beneficiaries vs.

indigenous peoples, and private agri-lands still without notice of coverage.

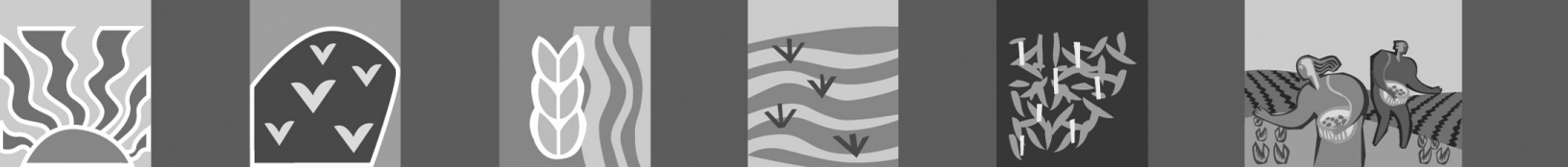
As far as Indonesia is concerned, the country is undergoing rapid and rampant "depeasantization": a quarter of a hectare is lost every minute, resulting in escalating violence and land conflicts. Thus there is a need for multi-stakeholder partnership strategies (e.g. media) to promote land as a human right.

On the other hand, India has lost 100,000 villages since 1921, and that there is increasing outmigration (90 million people now live in slums) due to development projects, extractive industries and reforestation programs lead to displacement.

In Nepal, the country has virtually a high functional landlessness, with 29 percent of rural population having no land to call their own, 30 percent of rural households being unregistered tenants and given that 5 percent of the population owning 42 percent of arable land. Among the factors include: government's seeming lack of political will for land reform, inheritance laws, feudal structure of the landholding system and tenancy/dual-ownership as contributory to such dismal state.

In Bangladesh, one in five households is embroiled in land disputes. The rampant bribery of arbitrators, land grabbing of IP lands and settlement of *khas* land not supervised by the government --- as contributing to land alienation contrary to national, regional land laws and international conventions.

All is not lost as communities, peoples movements and support groups (CSOs, alternative law groups, human rights defenders) have committed to push for the initiative to include land rights



as a human right. International agreements (such as Universal Declaration of Human Rights, Sustainable Development Goals, New Urban Agenda, UNDRIP, CEDAW, Voluntary Guidelines on the Responsible Governance of Tenure of Land, Forests and Fisheries) at the same time can be optimized to support these actions. Another tool that CSOs and communities can use in the strategy for addressing land conflicts is the UN Guiding Principles on Business and Human Rights (UNGP on BHR). A basic primer of the UNGP on BHR is likewise included in this edition of Lok Niti.

Towards this end, the CSO participants agreed to pursue the goal of “empowering communities to protect and defend their rights to land” through policy, capacity building and networking. For its part, the representatives of the National Human Rights Institutions in Indonesia and the Philippines vowed to push land rights as a human right in the Southeast Asia National Human Rights Institutions Forum (SEANF). On a similar vein, the representative of the South Asia Association for Regional Cooperation (SAARC) committed to continue the dialogue process with CSOs in pursuing land rights in the region. ■